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**JOINT FORCES STAFF COLLEGE
JOINT ADVANCED WARFIGHTING SCHOOL**

THE HAMMER AND THE ANVIL
THE NEED FOR A COMPREHENSIVE SOUTHERN BORDER SECURITY
STRATEGY

by

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A paper submitted to the Faculty of the Joint Advanced Warfighting School in partial satisfaction of the requirements of a Master of Science Degree in Joint Campaign Planning and Strategy. The contents of this paper reflect my own personal views and are not necessarily endorsed by the Joint Forces Staff College or the Department of Defense.

I acknowledge that Lt. Col. Alex Grynkewich, USAF, (JAWS Sem 2) helped me reorganize my paper. All ideas and content however are my own except as documented in footnotes.

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ABSTRACT

U.S. efforts to secure the Southwest border are at a tipping point. While the recent Mérida Initiative is critical to enhancing Mexico's ability to deal with its own internal problems, the U.S. must not reduce its own border security efforts. Indeed, the U.S. must secure the border both at the high-traffic ports of entry and in the vast spaces between them. All three efforts—at the ports of entry, between them, and the Mérida Initiative—are complementary. None can succeed in securing the Southwest border on its own, and all are critical components of a comprehensive border security strategy. As such, the U.S. Government should not reduce the funding for any of the components. Instead, the government should capitalize on a decade of success securing the border between the official ports of entry, while continuing to support efforts at the ports of entry and continuing to fund the Mérida Initiative.

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LIST OF ABBREVIATIONS

CBP	U.S. Customs and Border Protection
CRS	Congressional Research Service
DHS	U.S. Department of Homeland Security
DTO	Drug Trafficking Organization
GAO	Government Accountability Office
GoM	Government of Mexico
NSBCS	National Southwest Border Counternarcotics Strategy
NSHS	National Strategy for Homeland Security
OFO	Office of Field Operations
OTM	Other than Mexico
POE	Port of Entry
SIA	Special Interest Alien
SBI	Secure Border Initiative
SBI _{net}	Secure Border Initiative CBP
SWB	Southwest Border
TI	Tactical Infrastructure
USBP	U.S. Border Patrol
USG	United States Government

CHAPTER 1

INTRODUCTION

Since the early 1990s, the United States has invested significant resources and made significant progress towards securing the Southwest border. Following the terrorist attacks of September 2001, the U.S. Government redoubled its border security efforts, increasing funding over three hundred percent and more than doubling the number of Border Patrol personnel.¹ At the ports of entry, the government has increased personnel by over 21 percent and added more than \$400 million worth of resources.² These combined efforts have had an immense impact. Drug cartels are now battling each other for access to an ever-decreasing number of smuggling routes into the U.S.³ In 2007, increasing violence from these battles led the governments of the U.S. and Mexico to agree to a broad reaching partnership to enhance Mexico's ability to fight organized crime, criminal gangs, drug cartels, and illegal border crossing activity. Known as the Mérida Initiative, this agreement provides funding, equipment, and training for the Government of Mexico.⁴ The U.S. objective for this program is to increase Mexico's capacity to deal with the drug cartels, thereby reducing the need for U.S. assistance.⁵ In

¹ Blas Nunez-Neto, *Border Security: The Role of the U.S. Border Patrol*, (Washington, DC: Congressional Research Service, 2008), 27; Joseph Guerrero, Jr., Field Operations Supervisor, U.S. Border Patrol Intelligence, email to author, October 2, 2009.

² U.S. Department of Homeland Security, *Budget in Brief Fiscal Year2004*, (Washington, DC: U.S. Department of Homeland Security, 2004); U.S. Department of Homeland Security, *Budget in Brief Fiscal Year2009*, (Washington, DC: U.S. Department of Homeland Security, 2009); U.S. Customs and Border Protection, *Commissioner Bonner testifies before the House Select Committee on Homeland Security*, (Washington, DC: U.S. Customs and Border Protection, 2003); and U.S. House of Representatives, *Cargo Security at Land Ports of Entry: Are We Meeting The Challenge?* 111th Congress, 1st sess., Washington, DC, October 22, 2009.

³ U.S. Department of State, "Mexico-Security, August 20, 2009," http://travel.state.gov/travel/cis_pa_tw/pa/pa_4491.html (accessed November 2, 2009).

⁴ *Mérida Initiative to Combat Narcotics and Reduce Organized Crime Authorization Act of 2008*, 110th Cong., 2d sess., (May 22, 2008), 4-6.

⁵ *Ibid.*, 3.

response to the Mérida Initiative, Mexico has courageously taken on the drug cartels and President Felipe Calderón has “demonstrated an unprecedented willingness to cooperate with the United States on counterdrug measures.”⁶

The battle, however, is not over, and U.S. efforts to secure the Southwest border are at a tipping point. While the recent Mérida Initiative is critical to enhancing Mexico’s ability to deal with its internal problems, the U.S. must not reduce its own border security efforts. Indeed, the U.S. must secure the border both at the high-traffic ports of entry and in the vast spaces between them. All three efforts—at the ports of entry, between them, and the Mérida Initiative—are complementary. None can succeed in securing the Southwest border on its own. In many ways, U.S. border security efforts are akin to an anvil. They provide a blocking mechanism to keep bad things and bad people out of the U.S. On the southern side of the border, Mexican efforts are akin to a hammer. As Mexican capacity grows, it will be able to use this hammer to greater and greater effect against the drug cartels and other criminal elements. Ultimately, the effectiveness of this hammer depends on having a sufficient backstop—an anvil—against which to strike.

U.S. efforts currently focus on stopping the flow of money, guns, and ammunition from the U.S. to Mexico at the ports of entry. Unfortunately, this focus threatens to reduce the government’s attention on the rest of the Southwest border.⁷ This shift has the potential to reverse over a decade of progress in securing America’s southern border at a time when the nation can ill-afford to reduce its security posture. This study argues that the Mérida Initiative and traditional border security measures are critical and

⁶ June S. Beittel, *Mexico’s Drug-Related Violence*, (Washington, DC: Congressional Research Service, 2009), Summary.

⁷ *Mérida Initiative to Combat Narcotics and Reduce Organized Crime Authorization Act of 2008*, 12-14.

complementary components of a comprehensive border security strategy. As such, the U.S. Government should not reduce the funding for any of the components. Instead, the government should capitalize on a decade of success securing the border between the official ports of entry, while continuing to support efforts at the ports of entry and continuing to fund the Mérida Initiative.

This study begins in chapter 2 with a discussion of the evolution of security on the Southwest border, from the 1980s to today, providing important historical context for later discussion. Chapter 3 will then evaluate the U.S. Government's strategic plans for the Southwest border, including the *National Strategy for Homeland Security*, U. S. Department of Homeland Security (DHS) and component plans, the U.S. Customs and Border Protection (CBP) Office of Field Operations (OFO) Strategic Plan and the *U. S. Border Patrol National Strategy*. In addition, chapter 3 will examine the *2009 National Southwest Border Counternarcotics Strategy* and provide a comprehensive review of the Mérida Initiative. Next, chapter 4 will appraise the security situation along the southern border of the United States. This evaluation will include an in-depth analysis of the threat, including the nature and volume of illegal activities along the southern border. Additionally, this chapter will provide a review of the Secure Border Initiative, a multi-year comprehensive plan providing for additional personnel, technology, and border infrastructure (i.e., roads, barriers, and fencing).⁸ Chapter 5 will then analyze the current situation in Mexico, focusing primarily on the violence in and around Ciudad Juarez, Chihuahua. Included in this evaluation are Mexican security initiatives, effects of

⁸ U.S. Department of Homeland Security, "Secure Border Initiative, July 23, 2009," http://www.dhs.gov/files/programs/editorial_0868.shtm (accessed January 26, 2010).

government corruption, and the problem of violence against law enforcement officers and military officials.

This holistic review of security on both sides of the Southwest border will reveal that funding the Mérida Initiative and border security at the ports of entry while reducing funding for the areas between the ports of entry is counterproductive. Instead, effective border security requires a comprehensive approach. The U.S. Government should adequately fund the Mérida Initiative, port of entry enforcement, and security between the ports of entry. Only this three-pronged approach will preserve the historic security achievements of the last ten years and arrest the ever-increasing Mexican violence. Synchronizing U.S. Government efforts in this way on both sides of the border will result in a more secure and safe border and ultimately a safer America.

CHAPTER 2

BACKGROUND AND HISTORICAL PERSPECTIVE

Developing a comprehensive border security strategy requires a sophisticated understanding of the strategic situation. Accordingly, this chapter will provide the background information and historical context critical to a holistic assessment of the border security problem. While the whole of the U.S. border includes the southern, northern, and coastal borders, this paper will focus exclusively on the former.¹

Spanning approximately 2,000 miles, the southern border region contains vast areas of rugged, remote, and sparsely populated desert landscape.² A large portion of this area consists of federal lands, including national parks, wildlife refuges, and Indian reservations.³ Still, several large urban cities punctuate the landscape. These include San Diego, California, and El Paso, Laredo, and Brownsville, Texas.⁴ In most cases, these cities only have border security fencing and border security forces separating them from Mexican territory. Along the southern border, 33 official ports of entry (POE) provide the only legitimate and legal border-crossing points.⁵ The history of U.S. efforts to control this complex terrain provides critical context for the development of a comprehensive border strategy.

¹ The USBP does not patrol the border between Alaska and Canada therefore the “northern border” refers to the border between the contiguous United States and Canada. For additional northern and coastal border information, see U.S. Customs and Border Protection, “Northern Border Project,” http://www.cbp.gov/xp/cgov/border_security/sbi/nbp/ (accessed January 30, 2010); and U.S. Customs and Border Protection, “Air and Marine,” http://www.cbp.gov/xp/cgov/border_security/air_marine/ (accessed January 30, 2010).

² U.S. Customs and Border Protection, “Border Patrol Overview, August 22, 2008,” http://www.cbp.gov/xp/cgov/border_security/border_patrol/border_patrol_ohs/overview.xml (accessed January 27, 2010).

³ U.S. General Accounting Office, *Border Security Agencies Need to Better Coordinate Their Strategies and Operations On Federal Land*, (Washington, DC: U.S. General Accounting Office, 2004), 4.

⁴ U.S. Customs and Border Protection, *National Border Patrol Strategy*, (Washington, DC: U.S. Customs and Border Protection, September 2004), 5.

⁵ U.S. Customs and Border Protection, *Secure Borders, Safe Travel, Legal Trade, Fiscal Year 2009-2014 Strategic Plan*, (Washington, DC: U.S. Customs and Border Protection, July 2009), 10.

Before 9/11

America has always wanted to keep those who would do her harm out of the country. Although laws protecting citizenship and legal status came into being almost immediately after the nation's founding, it was not until 1885 that Congress began passing laws limiting immigration. While several factors fueled the need for tighter border security, the Immigration Act of 1917 was the primary driver. The fear of foreigners was high and entrance into World War I was only three months away when this act—passed over President Wilson's veto—placed a head tax of eight dollars on each immigrant and required them to pass a literacy test.⁶ Previously, Mexicans and Canadians could cross U.S. borders at will without restriction.⁷ After the passage of this act, many foreign nationals either could not afford the head tax or could not pass the literacy test, but the incentives to immigrate remained.⁸ As a result, illegal entries into the U.S. blossomed.⁹ This influx of illegal immigrants created a need for the government to control the areas between official ports of entry. In 1924, Congress reacted to this need and passed the Department of Labor Appropriation Act of May 28, 1924, establishing the U.S. Border Patrol within the Bureau of Immigration. The initial force consisted of 450 Patrol Inspectors with a yearly budget of one million dollars.¹⁰ In 1940,

⁶ U.S. Customs and Border Protection, "U.S. Border Patrol—Protecting our Sovereign Borders," http://www.cbp.gov/about/history/legacy/bp_historcut.xml (accessed September 21, 2009); History.com, "Immigrant act passed over Wilson's veto, February 5, 1917," <http://www.history.com/this-day-in-history.do?action=Article&id=4737> (accessed January 24, 2010).

⁷ CBP, "U.S. Border Patrol—Protecting our Sovereign Borders."

⁸ History.com, "Immigrant act passed over Wilson's veto, February 5, 1917."

⁹ *Recognizing The U.S. Border Patrol's Seventy-Five Years of Service*, 10H. Con. Res. 122, (November 10, 1999).

¹⁰ CBP, "U.S. Border Patrol—Protecting our Sovereign Borders."

the Border Patrol moved to the Department of Justice, but its mission remained the same, to secure and enforce U.S. borders.¹¹

To carry out its enduring mission, the U.S. Border Patrol divides the United States into twenty sectors or enforcement zones.¹² This division includes three coastal border sectors, eight northern border sectors, and nine southern border sectors. The southern border sectors are San Diego, El Centro, Yuma, El Paso, Marfa, Del Rio, Laredo, and the Rio Grande Valley Sectors (See figure 1).



Figure 1. USBP sector boundaries map.¹³

Prior to September 2001, the primary focus of the Border Patrol included illegal immigration, alien smuggling, and drug trafficking. In 1993, a study commissioned by the Office of National Drug Control Policy concluded that the Southwest border was “being overrun,” noting that approximately 6,000 illegal aliens attempted to enter the

¹¹ *Recognizing The U.S. Border Patrol's Seventy-Five Years of Service.*

¹² U.S. Customs and Border Protection, “Border Patrol Sectors,” http://www.cbp.gov/xp/cgov/border_security/border_patrol/border_patrol_sectors/ (accessed January 27, 2010).

¹³ U.S. Customs and Border Protection, “Office of Border Patrol Sectors,” http://www.cbp.gov/linkhandler/cgov/careers/customs_careers/border_careers/bp_agent/sectors_map.ctt/Sectors_Map.pdf (accessed January 27, 2010).

United States every night along a 7.5 mile stretch of the San Diego border.¹⁴ The study also concluded that drug smuggling was a serious threat, and recommended that the U.S. Immigration and Naturalization Service change its focus from arresting illegal immigrants to preventing their entry.¹⁵ Subsequently, the Border Patrol developed its first national strategic plan in 1994, known as “Prevention through Deterrence.”¹⁶ This first formal strategy included four phases, each focusing on a specific geographic area or city. Executing this strategy required increased resources. Accordingly, the U.S. Border Patrol saw its budget double between the years 1995 and 2001 from \$362 million to \$727 million.¹⁷

Significant increases in Border Patrol staffing also took place during this period. Although determining the exact number of agents required to secure the southern border was difficult, experts and politicians agreed considerably more agents were necessary.¹⁸ As concern over illegal immigration grew in California, Arizona, and Texas during the 1990s, Congress “approved a threefold increase in the number of agents along the southern border, from 3,000 to slightly over 9,000.”¹⁹

¹⁴ U.S. General Accounting Office, *Border Control: Revised Strategy is Showing Some Positive Results*, (Washington, DC: U.S. General Accounting Office, 1994), 5-8.

¹⁵ Ibid.

¹⁶ Immigration Information, “The National Border Patrol Strategy,” <http://www.immigration.gov/graphics/shared/lawenfor/bpatrol/strategy.html> (accessed October 9, 2009).

¹⁷ Belinda I. Reyes, Hans P. Johnson, and Richard Van Swearingen, *Holding the Line? The Effect of the Recent Border Build-up on Unauthorized Immigration*, (San Francisco: Public Policy Institute of California, 2002), v.; William J. Krouse, *U.S. Border Patrol Operations*, (Washington, DC: Congressional Research Service, 1997), 2.

¹⁸ V. Garza, *Vulnerabilities of the National Border Security Strategy on the U.S. Border Patrol*, (Los Angeles: University of Southern California Center for Risk and Economic Analysis of Terrorism Events, 2005), 22.

¹⁹ Edward Allen, *The Closing of the American Border*, (New York: HarperCollins, 2008), 260.

Despite increased resources and personnel to address the problems of illegal aliens and drug smuggling, the U.S. during the 1990s did not perceive border security as a national security issue. Instead,

[p]ublic figures voiced concern about the “war on drugs,” the right level and kind of immigration, problems along the southwest border, migration, crises originating in the Caribbean and elsewhere, or the growing criminal traffic in humans. The immigration system as a whole was widely viewed as increasingly dysfunctional and badly in need of reform. In national security circles, however, only smuggling of weapons of mass destruction carried weight, not the entry of terrorists who might use such weapons or the presence of associated foreign-born terrorists.²⁰

Likewise, no single executive department had the lead in defending America from a terrorist attack. This perspective would radically change in September 2001.

After 9/11

The September 2001 attacks on the U.S. homeland refocused border security on the prevention of illegal entry of terrorists, the smuggling of terrorist weapons (including weapons of mass destruction), and the prevention of further terrorist attacks. The *9/11 Commission Report* concluded that the institutions charged with protecting U.S. borders, civil aviation, and national security did not understand the gravity of the terrorist threat and did not adjust their policies, plans, and practices to deter or defeat it.²¹ Recognizing the problem of border security for what it was—a complicated national security issue—the Congress moved quickly after September 2001 to clarify the responsibilities for border security, immigration, customs, and a host of other similar duties.

²⁰ National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report*, (Washington, DC), 383-384.

²¹ *Ibid.*

The Homeland Security Act of 2002 dissolved the U.S. Immigration and Naturalization Service and the U.S. Customs Service and created U.S. Customs and Border Protection, a component part of the new Department of Homeland Security. The U.S. Border Patrol (USBP) remained intact and moved from the INS to CBP. Those components of the U.S. Customs Service responsible for border security also merged into CBP. CBP represented the largest merger of people and functions within DHS, making up approximately one-fourth of the new department's personnel. As noted by Robert C. Bonner, the first CBP Commissioner, during his testimony to the 9/11 Commission, this fact "is not surprising considering how important the security of our borders is to the security of our homeland."²²

Figure 2 depicts the organization of U.S. Customs and Border Protection. Importantly, USBP is not responsible for security and enforcement at the ports of entry. This responsibility falls on CBP's Office of Field Operations (OFO). OFO personnel include officers and agriculture specialists. Their job is not only to secure the flow of people and goods into and out of the country, but also to do so while facilitating legitimate trade and travel.²³ Conversely, the Border Patrol deals solely with illegal activity over the vast stretches of border between ports of entry. Both the USBP and OFO receive operational and tactical level assistance from other offices within CBP, including Air and Marine, Intelligence, International Affairs, and International Trade.

²² "National Commission on Terrorist Attacks upon the United States, January 26, 2004," http://www.9-11commission.gov/hearings/hearing7/witness_bonner.htm (accessed October 30, 2009).

²³ U.S. Customs and Border Protection, *Securing America's Borders at Ports of Entry*, (Washington, DC: U.S. Customs and Border Protection, September 2006), 2.

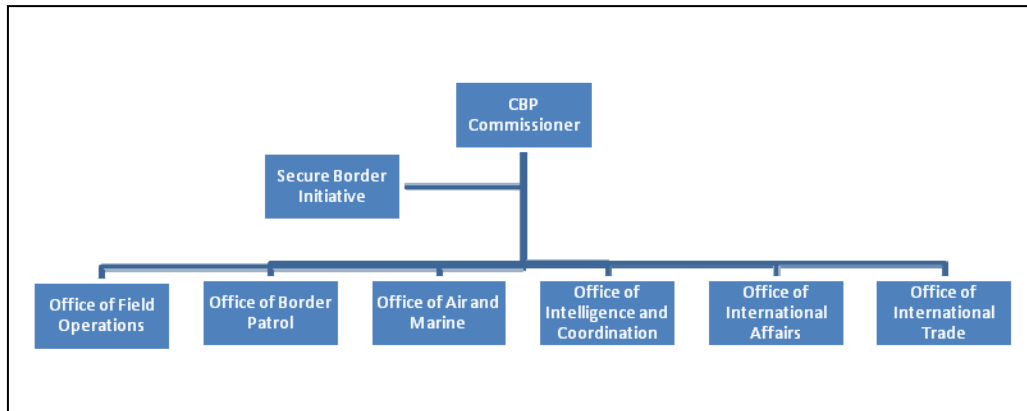


Figure 2. U.S. Customs and Border Protection organizational chart.²⁴

Immediately following the 2001 terrorist attacks, the U.S. temporarily focused on the northern border of the United States. Al Qaeda had already tried to use Canada as an overland route to the United States and there were many reasons to fear it could do so in the future.²⁵ Although the northern border remains a terrorist focus today, the continuation of mass illegal activity along the southern border has led to this area remaining the primary focus. As one study found, “[r]ising crime rates, discarded debris, increased apprehension rates, and growing public scrutiny in these less secure areas provide clear evidence that border security is a social, economic, and a national security issue.”²⁶

The U.S. does not limit its border security efforts to the U.S. side of the border. In mid-2004, the 9/11 Commission called for the U.S. “to collaborate with other governments in counter-terrorism efforts and to raise border security standards.”²⁷ In reality, this shift had begun already and the report merely prompted the U.S. to speed up

²⁴ U.S. Customs and Border Protection, “CBP Organization Chart,” <http://www.cbp.gov/linkhandler/cgov/about/organization/orgcha1.ctt/orgcha1.pdf> (accessed January 24, 2010).

²⁵ Allen, *The Closing of the American Border*, 260.

²⁶ Karina Ordonez, “Modeling the U.S. Border Patrol Tucson Sector for the Deployment and Operations of Border Security Forces,” (master’s thesis, Naval Postgraduate School, 2006), 1.

²⁷ K. Larry Stores, *Mexico-U.S. Dialogue on Migration and Border Issues 2001-2005*, (Washington, DC: Congressional Research Service, 2005), 9.

the already rapid pace of its efforts to secure the vulnerable Southwest border. For example, in 2004, hoping to improve coordination with the Mexican authorities, CBP took the proactive and unprecedented measure of assigning the first permanent Border Patrol Agents to the newly created CBP Attaché office in Mexico City.²⁸

Despite this progress, the strong enforcement posture of the early 2000's began to suffer from an unforeseen shortfall by the middle of the decade. Namely, the lack of adequate immigration detention space temporarily created a southern border security problem of immense proportions. By late 2004, available detention was almost non-existent. This shortage led to the development of a concept known as "catch and release." Under this program, CBP would arrest and release many illegal aliens on their own recognizance, with the requirement to appear in court at some time in the future. Needless to say, 60 percent of the illegal aliens never appeared before the court for their hearing.²⁹ As a result, during this period illegal aliens crossing the border would intentionally turn themselves in to Border Patrol Agents for processing and release into the population of the United States. Statistical data reveals the pernicious impact of this policy. Through 2003, apprehensions of other than Mexican (OTM) illegal immigrants were relatively low, averaging between 30,000 and 40,000 per year. In 2005, however USBP apprehended 154,987 other than Mexican illegal aliens with 80 percent released on

²⁸ U.S. Customs and Border Protection, "CBP Representatives," http://www.cbp.gov/linkhandler/cgov/newsroom/fact_sheets/printer_fact_sheets/attach_reps.ctt/attach_reps.pdf (accessed January 30, 2010).

²⁹ Allison Siskin, et al., *Immigration Enforcement within the United States*, (Washington, DC: Congressional Research Service, 2006), 28.

their own recognizance.³⁰ Figure 3 shows OTM apprehensions from FY 1999 through FY 2009.

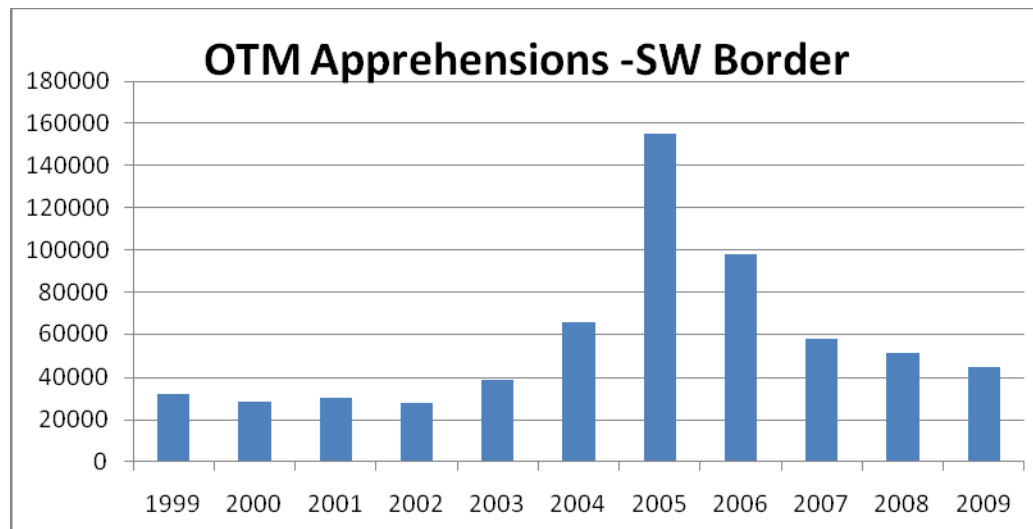


Figure 3. OTM apprehensions along the Southwest border.³¹

“Catch and release” created a significant security issue. Fortunately, 2006 saw the start of long-term efforts to achieve “operational control” of the border. USBP defined operational control as the ability to detect, respond, and interdict border penetrations in areas with high threat potential.³² The effort to gain this level of control resulted in a number of long-term security initiatives including the DHS Secure Border Initiative (SBI), the CBP-led SBInet, and the Secure Fence Act.

Launched in November 2005, the Secure Border Initiative is a comprehensive multi-year plan to secure America’s borders and reduce illegal cross-border activity.³³ SBI provides additional law enforcement personnel for border patrol, ports of entry, and

³⁰ U.S. Border Patrol, *Apprehension Data, FY 1999 to FY 2009*, (Washington, DC: U.S. Border Patrol, 2009); Jennifer Lake, Blas Nunez-Neto, and Allison Siskin, *Border Security Backgrounder*, (Washington, DC: Congressional Research Service, 2006), 8.

³¹ USBP, *Apprehension Data, FY 1999 to FY 2009*.

³² CBP, *National Border Patrol Strategy*, 3.

³³ U.S. Customs and Border Protection, “SBI History, Mission, and Program Executive Office, November 10, 2008,” http://www.cbp.gov/cgov/border_security/sbi/about_sbi/hist_mission_office.xml (accessed October 14, 2009).

immigration enforcement. SBI also includes expanded detention and removal capabilities with the goal of eliminating the need for “catch and release.” In addition, SBI incorporates a comprehensive technology upgrade, expanded use of Unmanned Aerial Vehicles, and next generation detection technology. Finally, SBI provides additional physical security (e.g., roads, lighting, and fencing) to reduce illegal border crossing.³⁴

In 2005, CBP established SBInet to supplement the SBI program. SBInet is an initiative to focus technology along the Southwest border between the ports of entry.³⁵ Its key components include command and control, surveillance, detection, intelligence and communications infrastructure. Completion of the first 28-miles of prototype for SBI occurred near Sasabe, Arizona in February 2008. As of December 2009, this prototype assisted agents with the apprehension of 5,000 illegal aliens and the seizure of over 15,000 pounds of marijuana.³⁶ While this initial effort proved successful, further projects are plagued with setbacks and inundated with technological difficulties. These difficulties prompted an internal review and reassessment of the program that began on January 11, 2010.³⁷ If ultimately successful, SBInet programs would provide both an overall direction and foundation for security along the southern border.³⁸

³⁴ DHS, “Secure Border Initiative, July 23, 2009.”

³⁵ U.S. Customs and Border Protection, “SBInet,” http://www.cbp.gov/xp/cgov/border_security/sbi/sbi_net (accessed January 26, 2010).

³⁶ U.S. Customs and Border Protection, “SBInet Project 28,” http://www.cbp.gov/linkhandler/cgov/newsroom/fact_sheets/border/secure_border/project_28.ctt/project_28.pdf (accessed March 12, 2010).

³⁷ Federal Computer Week, “Napolitano orders SBInet reassessment,” <http://fcw.com/articles/2010/01/22/sbinet-napolitano-reassessment.aspx> (accessed March 12, 2010).

³⁸ U.S. Department of Homeland Security, *Budget in Brief FY 2008*, (Washington, DC: U.S. Department of Homeland Security, 2008), 32, 43.

The final initiative on the southern border is the Secure Fence Act of 2006. This bill, signed by President Bush, authorized the construction of 700 miles of double-layered fencing in addition to cameras, ground radar, and improved lighting along the southern border.³⁹ The idea is to place these infrastructure improvements in key strategic locations. To date, CBP contractors have completed over 640 miles of fencing in targeted areas along the Southwest border.⁴⁰ While this fencing is one of the most controversial of the nation's southern border security initiatives, it is also one of the most successful. Chapter 4 will examine the impacts of SBI, SBInet, and the Secure Fence Act in more detail.

Although the pre-September 2001 missions of drug smuggling, alien smuggling, criminal alien activity, and illegal entry are still priorities, the U.S. Border Patrol has evolved into an "All Threats" agency. While the threat of terrorism has required the Border Patrol to adjust its strategy, this one agency cannot defend against all threats on its own. Accordingly, the next chapter will examine the published strategies of not only the USBP, but also its parent and sister agencies as well as those of other U.S. Government departments that affect Southwest border security. This inclusive assessment will inform the development of a comprehensive approach to secure America's borders.

³⁹ *Secure Fence Act of 2006*, HR 6061, 109th Cong, 2d sess., (September 14, 2006).

⁴⁰ U.S. Customs and Border Protection, "TI News and Information, January 26, 2010," http://www.cbp.gov/xp/cgov/border_security/ti/ti_news/ (accessed January 26, 2010).

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CHAPTER 3

SOUTHWEST BORDER SECURITY STRATEGIES

This chapter evaluates the United States Government's strategic plans for Southwest border security. These plans include the DHS, CBP, OFO and USBP strategic plans, the Office of National Drug Control Policy's *2009 National Southwest Border Counternarcotics Strategy* (NSBCS), and the Mérida Initiative. All of these strategies support the *National Strategy for Homeland Security* (NSHS), which provides overarching guidance to the various government departments. Performing this assessment of the U.S. Government's strategic plans first requires establishing a set of criteria against which to evaluate the current plans. This paper will use two well-known strategy models as the basis for an evaluation framework.

The first model, put forward by Naval War College Professor Henry C. Bartlett, conceptualizes the development of strategy as a process considering ends (goals), ways (concepts), and means (tools) in the context of risk and the security environment. Under the Bartlett model, the "art" of strategy is in resolving the tension between these variables.¹ Bartlett contends that the probability and consequences of success and failure determine the risk inherent to the strategy. This, in turn, affects the entire logic and context of ends, ways, and means. Harry R. Yarger, Professor of National Security Policy at the Army War College, adds to Bartlett's conceptualization of ends, ways, and means by highlighting the importance of nesting national interests, grand strategy, national policies, and component strategies within each other and within the complex

¹ Henry C. Bartlett, Timothy N. Castle, and Richard M. Lloyd, *Strategy and Force Planning*, 4thed. (Newport, RI: Naval War College Press, 2004).

external and domestic environments.² Figure 4 provides a graphical depiction of the Bartlett and Yarger conceptions of strategy. Synthesizing these two models yields a structured methodology for evaluating the effectiveness of current U.S. strategic documents. The first document meriting attention is the *National Strategy for Homeland Security* (NSHS).

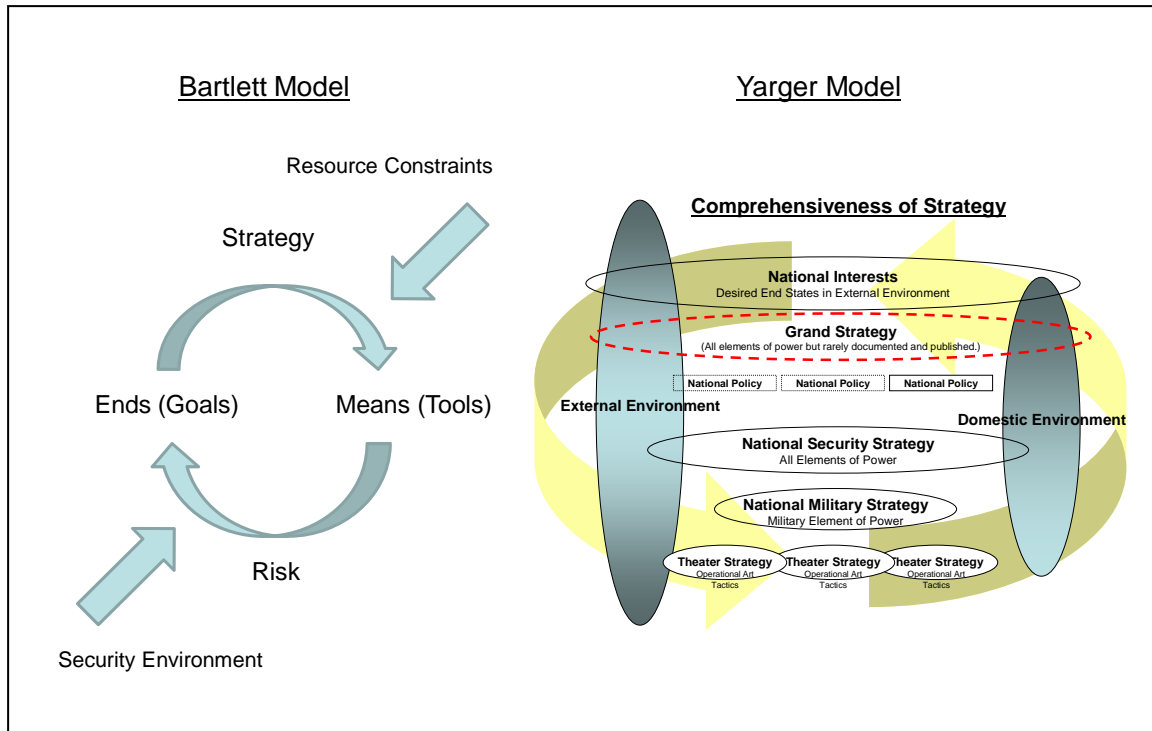


Figure 4. Bartlett and Yarger Strategic Models.³

National Strategy for Homeland Security

The Homeland Security Council issued the *National Strategy for Homeland Security* in October 2007 in order to guide, organize, and unify U.S. homeland security

² Harry R. Yarger, *Strategic Theory For The 21st Century: The Little Book On Big Strategy*, (Carlisle, PA: Strategic Studies Institute, U.S. Army War College, 2006), 70.

³ Ibid., and Bartlett.

efforts.⁴ In attempting to accomplish this, the strategy lists four main goals. These goals are to prevent and disrupt terrorist attacks; to protect the American people, to protect critical infrastructure and key resources; to respond and recover from incidents that do occur; and to strengthen homeland security principles, systems, structures, and institutions to ensure America's long-term success.⁵ The NSHS relates to border security through the guidance it gives to its component strategic plans. The NSHS guidance for the southern border states that

[i]n order to disrupt the use of illicit pathways into the Homeland, we will continue to implement an integrated system of people, technology, and tactical infrastructure through the Secure Border Initiative to detect, identify, respond to, and resolve illegal entry attempts at our land borders. We will work with our neighbors and international partners to shrink the illicit travel networks used by human smugglers, narco-traffickers, and other transnational criminals whose activities foster continued exploitation of our borders.⁶

In addition, the strategy calls for leveraging all resources across the full range of law enforcement capabilities to ensure the protection of America.⁷

Although the NSHS meets Bartlett and Yarger's basic requirements for effective strategy, it suffers from several shortcomings. As Bartlett requires, the NSHS addresses ends, ways, and means. However, the end it delineates is the denial of terrorist entry into the Homeland. While this endstate is a laudable goal, framing the end in these terms does not clearly articulate other important dimensions of the desired endstate, such as the disruption of illicit pathways and the preservation of robust cross-border commerce. When discussing the ways to achieve its ends, the NSHS rightly includes all instruments

⁴ Homeland Security Council, *National Strategy for Homeland Security*, (Washington, DC: Homeland Security Council, October 2007), 1.

⁵ Ibid.

⁶ Ibid., 18-19.

⁷ Ibid., 50.

of national power. Broadly speaking, the tools available for homeland security include diplomacy, information, the military, economic power, financial power, intelligence, and law enforcement authorities.⁸ When discussing the end state along the Southwest border, the NSHS provides additional specificity on ways and means. For example, the NSHS asserts that meeting its goals will require the right combination of personnel, technology, and tactical infrastructure as well as use of the Secure Border Initiative.⁹ Finally, the strategy accounts for risk, allowing that the vast land borders “make it difficult to completely deny terrorists and their weapons access to the Homeland.”¹⁰

The NSHS also meets Yarger’s requirements for nesting lower level strategies within the whole of the strategic environment and within broader national objectives. For example, the *National Security Strategy* (NSS) states that the United States can no longer rely only on deterrence, but should also rely on offensive operations to prevent terrorism.¹¹ The NSS also briefly discusses working with the Government of Mexico to reduce illegal immigration.¹² In both of these instances, the NSS primarily focuses on the “away game” of national security, emphasizing foreign policy relationships and initiatives. Thus, NSHS compliments the NSS’s ultimate goal of a more secure America and a protected populace by providing additional fidelity on the “home game” aspects of national security.

⁸ Ibid., 13.

⁹ Ibid., 16.

¹⁰ Ibid., 6.

¹¹ The White House, *National Security Strategy* (Washington, DC: The White House, March 2006), 8.

¹² Ibid.

Department of Homeland Security Strategic Plan Fiscal Years 2008-2013

DHS implements the NSS and NSHS through the DHS strategic plan. The current plan for fiscal years 2008-2013 provides the department with a central focus for long range planning.¹³ In developing this strategic plan, DHS conducts a continuous assessment of the challenges and strategic issues facing Homeland Security. The number one strategic goal for DHS is “to protect our nation from dangerous people.”¹⁴ In other words, the goal is to keep bad people and bad things out of the United States. The plan’s first objective, “Achieve Effective Control of Our Borders,” supports this goal. To achieve this objective, the DHS strategic plan calls for strengthening all aspects of border security including air, land, and sea both at and between the ports of entry. It also suggests using international partnerships to expand the border virtually and interdict threats before they reach the U.S.¹⁵

Unfortunately, the *DHS Strategic Plan Fiscal Year 2008 – 2013* fails to provide specifics ways and means for how the Border Patrol and OFO should accomplish the objective of effective border control. Instead, the plan simply states that the secure border programs of DHS “depend significantly upon the continuance of full resource support to achieve results.”¹⁶ The failure to articulate specific policy and resource requirements in this area is a significant shortcoming. Ultimately, it represents an abdication by DHS of its planning responsibilities.

¹³ U.S. Department of Homeland Security, *One Team, One Mission, Securing Our Homeland Strategic Plan Fiscal Years 2008-2013*, (Washington, DC: U.S. Department of Homeland Security, 2008), 2.

¹⁴ Ibid., 6.

¹⁵ Ibid.

¹⁶ Ibid., 28.

Another shortcoming of the plan is its failure to provide a specific and measureable objective for border control. To gauge progress toward its strategic objectives, DHS utilizes performance measures at all levels to monitor its progress.¹⁷ The performance measure used to determine whether the department is successful in controlling its border is the number of miles under effective operational control. Unfortunately, the current DHS strategic plan does not identify a specific target for FY 2013. Instead, the plan states that the resources devoted to the task in DHS's FY 2010-2014 budget will define the mileage.¹⁸ This violates DHS's Planning, Programming, Budget, and Execution (PPBE) process. Under PPBE, the department's strategy and plans should drive priorities and resource allocation (See figure 5).¹⁹ Unfortunately, the department does not articulate a specific border security objective, undermining the PPBE process.

¹⁷ Ibid., 8.

¹⁸ Ibid., 28.

¹⁹ Ibid., 33.

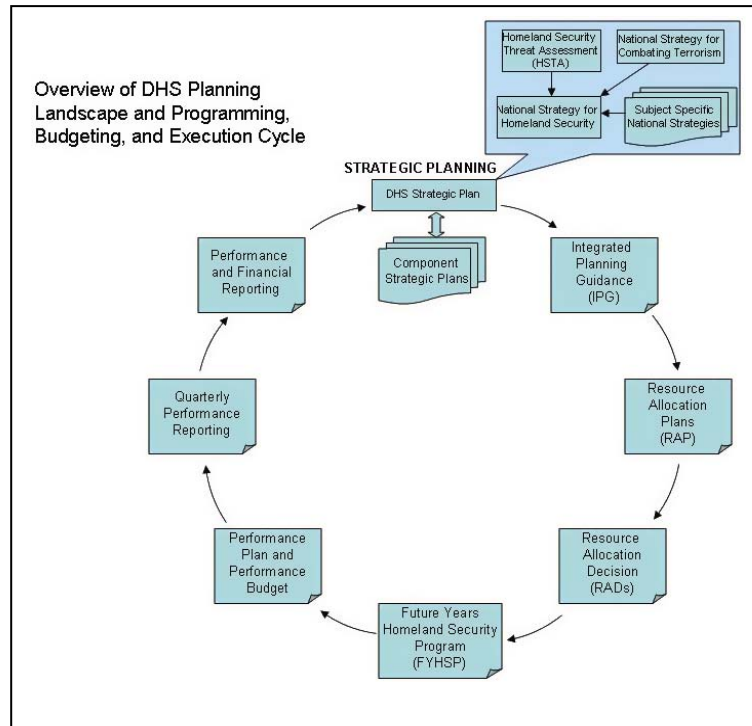


Figure 5. U.S. Department of Homeland Security Strategic Planning Overview.²⁰

While the DHS strategic plan has its weaknesses, a significant strength of the document is its inclusion of risk assessments. The DHS plan identifies two principle sources of risk, “dangers posed by human architects” and those posed “by nature.”²¹ The department’s understanding of risk helps it prioritize programming requests to address the ever-changing, complex, and challenging security environment. One pertinent example of this ability to prioritize is the department’s continued focused on the Southwest border due to the high threat and volume of illegal activity there.

U.S. Customs and Border Protection Fiscal Year 2009-2014 Strategic Plan

The U.S. Customs and Border Protection’s strategic plan is a subset of the DHS strategic plan. CBP’s top strategic priority is preventing terrorists and terrorist weapons

²⁰ Ibid.

²¹ Ibid., 30.

from entering the United States. CBP's number one goal is to "secure the Nation's borders protecting America from the entry of dangerous people and goods and prevent unlawful trade and travel."²² The CBP plan defines the agency's top objective as establishing and maintaining effective control of air, land, and maritime borders with the use of appropriate mix of infrastructure, technology, and personnel. CBP further states that achievement of this objective depends on the ability to detect illegal entries, simultaneously identify and classify these entries to determine their level of threat, and to bring each event to a satisfactory law enforcement resolution.²³ These principles apply both at and between the ports of entry.

In order to achieve its objectives, CBP utilizes the Strategic Management Framework (SMF) shown in figure 6. The SMF establishes a link between results and resources.²⁴ The framework, designed to ensure clear strategic direction, accountability, and a results oriented organizational culture, derives from the 1993 Government Performance and Results Act.²⁵

²² U.S. Customs and Border Protection, *Secure Borders, Safe Travel, Legal Trade, U.S. Customs and Border Protection 2009-2014 Strategic Plan*, 5.

²³ Ibid., 13-14.

²⁴ Ibid., 27.

²⁵ Ibid.

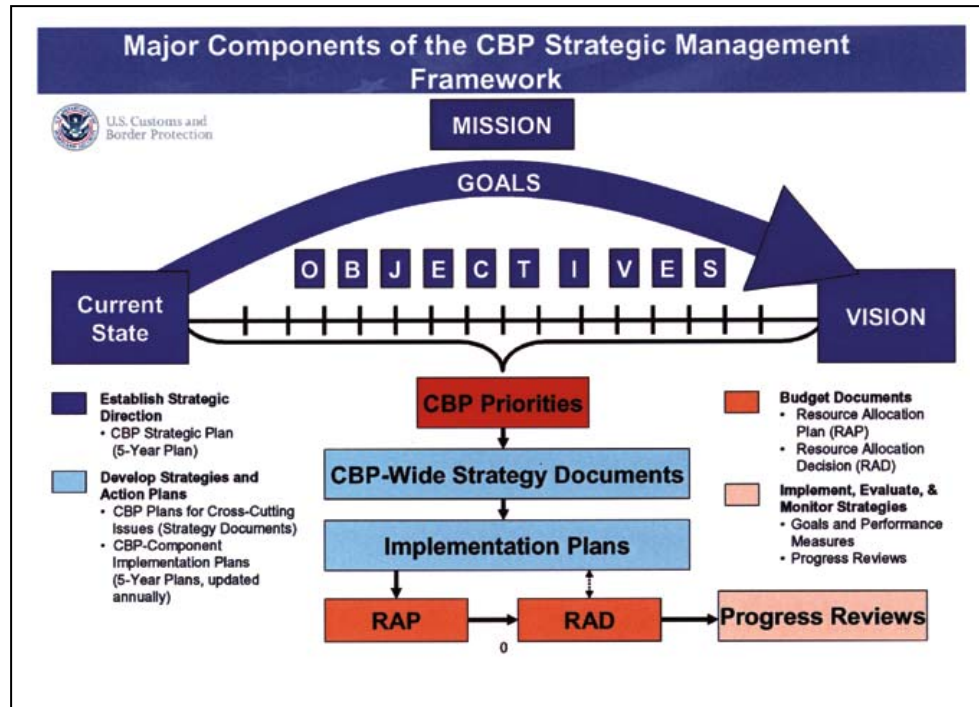


Figure 6. U.S. Customs and Border Protection Strategic Management Framework.²⁶

An assessment of the CBP strategic plan reveals several shortcomings. While CBP's plan aligns with the DHS plan in its discussion of the proper mix of personnel, technology, tactical infrastructure, intelligence and strong partnerships, it does not discuss how to achieve this balance. Instead, the plan leaves this to component-level implementation plans. As such, the CBP plan lacks an adequate discussion of the ways to achieve its objectives. Additionally, the CBP plan does not consider risk to the degree required in a comprehensive strategy. Importantly, CBP does use economic trend data and a risk-based approach when assessing its performance in the context of international trade and the economy. In doing so, the agency appears to recognize its impact on trade and economics as risk factors. Notably, however, these risk factors do not apply between the ports of entry, and the CBP strategic plan does not further articulate the risks in this

²⁶ Ibid.

geographic area.²⁷ For example, between the ports of entry, CBP's mission is to prevent all illegal entries from occurring for any purpose, yet nowhere does CBP discuss the consequences to the homeland of mission failure. The consequences became clear in 2005 when Mahmoud Youssef Kourani illegally entered the U.S. by crossing the southern border, between the ports of entry, without detection. Subsequently Kourani was located in a Lebanese expatriate community near Dearborn, Michigan. After a criminal investigation and arrest, he pled guilty to providing material support to Hezbollah.²⁸ Fortunately, that was the limit of Kourani's actions and our inability to prevent his entry did not lead to an attack on the U.S. homeland. The CBP strategy does not suggest appropriate levels of resourcing (means) or policy options (ways) to keep risk at an acceptable level.

Office of Field Operations Strategic Plan FY 2007-2011

Part of U.S. Customs and Border Protection Office of Field Operations' mission is to prevent terrorism and to ensure terrorists do not enter the U.S. at the ports of entry. To support this mission, the OFO strategic plan lists five border security goals. These are 1) increasing and improving advance knowledge about the people, goods, and conveyances before they arrive at the ports of entry; 2) effective inspections and screening of all three based upon risk level; 3) focused security by increasing situational awareness and effective response capabilities; 4) strengthening port of entry security; and 5) successful implementation of personnel, technology, and partnerships.²⁹

²⁷ Ibid.

²⁸ *A Line in the Sand: Confronting the Threat at the Southwest Border*, (Washington, DC: Majority Staff of the House Committee on Homeland Security Subcommittee on Investigations), 29-30.

²⁹ U.S. Customs and Border Protection, *Office of Field Operations Strategic Plan FY 2007-2011*, (Washington, DC: U.S. Customs and Border Protection, September 2006), 26.

OFO's goals reveal the complexity of the organization's mission. The OFO plan acknowledges the tension between its objective to secure the ports of entry and the simultaneous need to facilitate legitimate travel and trade. Moreover, the OFO plan recognizes that achieving comprehensive security requires screening all people, goods, and conveyances crossing the border at the ports of entry -- a necessary task that is expensive and time consuming.³⁰ Clearly, the solution is some combination of personnel, resources and technology. Unfortunately, OFO's plan does not suggest the appropriate mix of these three means. The OFO strategic plan does, however, nest well with other strategic documents. For example, the plan understands that border security does not occur without directly linking its core elements with the overarching DHS and CBP plans.³¹ Additionally, the plan complements the *National Border Patrol Strategy*, discussed below.

U.S. Border Patrol National Strategy

The *National Border Patrol Strategy* lists five key goals: 1) to establish a substantial probability of apprehending terrorists and their weapons as they attempt to enter illegally between the ports of entry; 2) to deter illegal entries through improved enforcement; 3) to detect and apprehend, and deter smugglers of humans, drugs, and other contraband; 4) to leverage "Smart Border" technology to multiply the effect of enforcement personnel, and; 5) to reduce crime and improve the quality of life in border communities.³² The USBP strategy attempts to find the right combination of personnel, technology, and tactical infrastructure to achieve these goals and attain operational

³⁰ Ibid., 46.

³¹ Ibid.

³² CBP, *National Border Patrol Strategy*, 4.

control of the border. It also calls for the mobility and rapid deployment of people and resources, defense-in-depth using interior checkpoints and coordinated enforcement operations, partnerships with other law enforcement agencies, and a centralized chain of command.³³

An assessment of the USBP strategy reveals several weaknesses. The first of these is that although the strategy defines its number one goal as establishing “a substantial probability of apprehending terrorists and their weapons,” nowhere does it define what actually constitutes substantial probability. Additionally, the goal for number of border miles under control remains open-ended and non-specific. As a result, the funding various strategic components receive drives the goal for operational control between the ports of entry.³⁴ As evident with the Department of Homeland Security, this plan by the USBP is strategy development turned on its head; such a backwards approach precludes adequate consideration and articulation of risk.

As part of CBP, the U.S. Border Patrol’s strategy should align with that of its parent agency, and for the most part it does. This alignment is not a one-way street, however. CBP also supports the antiterrorism mission of the Border Patrol by providing a national command structure and support from the other components of CBP such as the Office of Field Operations, the Office of Air and Marine, and the Office of Intelligence Operations and Coordination.³⁵ These offices present a “whole of CBP” approach to border security enforcement by providing a linkage through port security, air and marine support to operations, and intelligence information support.

³³ Ibid.

³⁴ Ibid., 3.

³⁵ Ibid., 1.

National Southwest Border Counternarcotics Strategy

An additional component of the national response to border security is the newly revised *2009 National Southwest Border Counternarcotics Strategy* (NSBCS). Rising violence in Mexico demanded a new strategy focused on enhanced collaboration between the U.S. and Mexican Governments.³⁶ The goal of the strategy is a substantial reduction in the flow of illicit drugs, drug proceeds, and associated instruments of violence in both directions across the Southwest border.³⁷ In addition, public law mandates the NSBCS specifically address how to end the construction and use of cross-border tunnels between the United States and Mexico.³⁸

The strategy includes nine supporting actions to achieve its goals. The first of these actions or efforts is to improve intelligence and information sharing. This action calls for the enhanced collection, coordination, harmonization, and collaboration of intelligence information through the re-establishment of interagency working groups and expansion of successful programs as well as enhanced sharing with the Government of Mexico. The second action is to improve defenses at the ports of entry. Improving defenses involves the expansion of technology, K-9 unit capabilities, upgrading communications and disrupting counterintelligence operations. In addition, it includes the increased use of advanced information and intelligence operations. The third action is the expansion of operational capabilities between the ports of entry. The strategy requests enhanced patrol and interdiction capabilities through the proper mix of personnel, technology, and infrastructure as well as for additional capabilities to assess

³⁶ Office of National Drug Control Policy, *National Southwest Border Counternarcotics Strategy*, (Washington, DC: Office of National Drug Control Policy, June 2009), 1.

³⁷ Ibid., 2.

³⁸ Ibid., 3-4. Chapter 4 of this thesis presents a discussion concerning cross-border tunnels.

suspects and for task force initiatives. The fourth action is to sustain the air and marine presence along the Southwest border. Early and persistent detection remains the focus along with enhancing bilateral air and marine cooperation. The fifth action involves increasing U.S. law enforcement liaisons in Mexico in order to further prosecutorial and judicial resources on both sides of the border. This action includes an attack against official foreign corruption. The sixth action is to stem the flow of outbound cash smuggling and to address the money laundering threat. The seventh, eighth, and ninth actions contain various measures to address the illegal smuggling and trafficking of weapons and narcotics, including continued bilateral support and Mérida Initiative expansion, discussed in more detail below.³⁹

The NSBCS is a prime example of choices nestled in between the complex domestic, external, and international environments. It contains comprehensive end states that address the drug problem and its complex components. Successful actions in these nine areas (or ways) require the U.S. Government commit appropriate resources along not only the Southwest border, but also within Mexico. Fortunately, NSBCS provides the level of detailed analysis required for leadership decisions, particularly with respect to resource allocation. Thus, the NSBCS gives the U.S. a comprehensive strategy to address the enormous problem presented by the illegal drug trade.

The Mérida Initiative

The final piece of the strategic puzzle for the Southwest border is the Mérida Initiative. The Mérida Initiative, named after the Yucatan capital where President Bush and Mexican President Felipe Calderón met in March 2007, extends significant U.S.

³⁹ Ibid.

support to the Government of Mexico.⁴⁰ President Bush signed this multi-year counter-drug and security assistance program for Mexico and Central America into law on June 20, 2008.⁴¹ Under the initiative, the U.S. will provide the Government of Mexico with \$1.4 billion in assistance through FY 2010.⁴² The initiative and President Calderón's unmatched willingness to collaborate with the United States on joint counterdrug measures is a step in the right direction for southern border security.⁴³ In a 2009 ABC News interview, President Calderón stated "...we need to realize and recognize that this is a common problem and we need to solve our common problem, we need to think with the way that together we are more powerful than any criminal organization [*sic*]."⁴⁴

The five primary goals of the Mérida Initiative are to break the power and impunity of criminal organizations; strengthen border, air, and maritime controls; improve the capacity of justice systems in the region; curtail gang activity; and diminish the demand for drugs in the region.⁴⁵ Funding provided under the Mérida Initiative flows into four main areas. First, a portion of the funding will go to supporting the ability to interdict trafficked drugs, arms, cash, and persons. Second, some funding will support development of technologies to improve and secure the communications systems that collect criminal information in Mexico. Third, money will provide technical advice and training to strengthen the institutions of justice in Mexico, including vetting for the new national police force, case management software, new offices of citizen complaints and

⁴⁰ *Mérida Initiative to Combat Narcotics and Reduce Organized Crime Authorization Act of 2008*, 3.

⁴¹ *Ibid.*

⁴² *Ibid.*

⁴³ Beittel, *Mexico's Drug-Related Violence*, Summary.

⁴⁴ Terry Moran, "Mexican President Vows to Win Drug War April 15, 2009," <http://abcnews.go.com/Politics/story?id=7342256&page=1&page=1> (accessed November 2, 2009).

⁴⁵ United States Government Accountability Office (GAO), *Status of Funds for the Mérida Initiative*, (Washington, DC: U.S. Government Accountability Office, 2009), 5.

professional responsibility, and the witness protection program. Finally, the Mérida Initiative provides funding for aircraft to support surveillance and interdiction activities and rapid response of security forces for counternarcotics missions in Mexico.⁴⁶ The Mérida Initiative is a significant paradigm shift in U.S.–Mexican relations in that it recognizes both nations share responsibility for fighting the drug trade and Mexican cartels.⁴⁷

Some have criticized the Mérida Initiative for failing to provide much needed funding and equipment to the Government of Mexico in a timely manner.⁴⁸ Additionally, some feel the U.S. is not responding quickly enough to the deepening crisis in Mexico. Under the Mérida Initiative, the average annual counternarcotics and related law enforcement assistance to Mexico increased from approximately \$57 million from FY 2000 through FY 2006 to \$400 million for FY 2008.⁴⁹ The amount appropriated for Mexico through FY 2009 totaled \$1.12 billion.⁵⁰ According to a December 2009 U.S. Government Accountability Report, the State Department had obligated nearly \$752.6 million of Mérida Initiative funding as of September 2009, but it had expended only \$24.2 million.⁵¹ In contrast, the major drug cartels earn billions of dollars annually and use this money to buy protection, fighters, and arms.⁵² Another example of Mérida inefficiency is the pace of helicopter delivery to Mexico. While the first five helicopters

⁴⁶ U.S. Department of State, “The Mérida Initiative June 23, 2009,” <http://www.state.gov/p/inl/rls/fs/122397.htm> (accessed October 28, 2009).

⁴⁷ U.S. Department of State, “Mexico–Mérida Initiative Report August 2009,” <http://www.wilsoncenter.org/news/docs/State%20Dept.%20Report%20on%20Mexico%27s%20Human%20Rights.pdf> (accessed November 2, 2009).

⁴⁸ William Booth and Steve Fainaru, “U.S. Aid Delay in Drug War Criticized,” *Washington Post*, April 5, 2009.

⁴⁹ GAO, *Status of Funds for the Mérida Initiative*, 1.

⁵⁰ *Ibid.*, 7.

⁵¹ *Ibid.*, 1.

⁵² Chris Hawley, “Flow of drug aid to Mexico delayed,” *USA Today*, December 16, 2009.

arrived on December 16, 2009, the 15 additional aircraft the initiative promised to Mexico may not arrive until 2011. To address this problem, Congress appropriated \$420 million in a supplemental act to fund the entire process at a faster rate.⁵³ Table 1 shows the funding status of Mérida appropriations as of the end of FY 2009.

Status of Mérida Fund for Mexico (Dollars in millions)			
	Appropriated ^a	Obligated balance ^b	Expended balance
International Narcotics Control and Law Enforcement (INCLE)			
FY08 Supplemental ^c	\$263.5	\$252.6	\$10.2
FY09 Omnibus	246.0	0	0
FY09 Supplemental	160.0	76.5	0
Total INCLE	\$669.5	\$329.1	\$10.2
Economic Support Fund (ESF)			
FY08 Supplemental ^c	\$20.0	\$19.3	\$0.7
FY09 Omnibus	15.0	2.0	0
FY09 Supplemental	0	0	0
Total ESF	\$35.0	\$21.3	\$0.7
Foreign Military Financing (FMF)			
FY08 Supplemental ^c	\$116.5	\$103.2	\$13.3
FY09 Omnibus	39.0	39.0	0
FY09 Supplemental	260.0	260.0	0
Total FMF	\$415.5	\$402.2	\$13.3
Mexico total	\$1,120.0	\$752.6	\$24.2

Table 1. Mérida Funding Account Status for Mexico, as of September 30, 2009.⁵⁴

An assessment of the Mérida Initiative reveals it is an exemplary strategic model with one exception. On the plus side, the initiative provides a clear endstate, an enhanced Mexican capacity to meet its own security needs. The initiative also acknowledges the existence of the “balloon-effect.” This effect occurs where strong enforcement in one

⁵³ GAO, *Status of Funds for the Mérida Initiative*, 13. Of note, the Obama Administration only requested \$66 million.

⁵⁴ *Ibid.*, 19.

area results in a shift in illegal activities to weak points on the U.S. border. This effect manifested itself in the 1970s to the late 1980s. During this period, southern Florida served as the primary entry point for all of the U.S. cocaine originating from Colombia.⁵⁵ In response, President Reagan established a cabinet level South Florida Task Force in 1982.⁵⁶ The success of this task force resulted in the shifting of cocaine from southern Florida to overland routes through Mexico.⁵⁷ The Mérida Initiative seeks to mitigate the “balloon-effect” by pledging to “intensify its efforts to address all aspects of drug trafficking (including demand-related portions) and continue to combat trafficking of weapons and bulk currency to Mexico.”⁵⁸

The only shortfall of the Mérida Initiative is its failure to nest within or complement other strategic plans. Although it articulates appropriate ends, ways, and means, the Mérida Initiative does so as a standalone strategy. Only specific pieces of the initiative tie into other strategies affecting security on the Southwest border. For example, the initiative’s funding helps the Government of Mexico address the drug problem and provides funding for enforcement at southbound ports of entry, but it neglects funding for border security activity between the ports of entry. Illegal activity is likely to increase in this area as a result of the Mérida Initiative’s success in Mexico and at the ports of entry. Paradoxically, the success of the initiative creates an increased need

⁵⁵ Bernd Debusmann, “Drug wars and the balloon effect, March 26, 2009,” <http://blogs.reuters.com/great-debate/2009/03/26/drug-wars-and-the-balloon-effect/> (accessed March 16, 2010).

⁵⁶ Frontline, “Thirty Years of America’s Drug Wars, A Chronology,” <http://www.pbs.org/wgbh/pages/frontline/shows/drugs/cron/> (accessed March 17, 2010).

⁵⁷ Debusmann, “Drug wars and the balloon effect, March 26, 2009”; Office of National Drug Control Policy, *National Southwest Border Counternarcotics Strategy*, 1. Today estimates reflect that as much as 90 percent of the U.S. consumed cocaine transits Mexico. CBP deals with this at the operational level as well. Strong and successful enforcement postures in the Border Patrol Sectors adjacent to Tucson Sector reflect increased criminal activity within the Tucson Sector. See figure 8.

⁵⁸ *Mérida Initiative to Combat Narcotics and Reduce Organized Crime Authorization Act of 2008*, 3-4.

for funding in the precise area it neglects to address. Furthermore, DHS, CBP, and USBP strategies fail to account for the effects of the Mérida Initiative.

The Need for a Comprehensive Strategy

U.S. strategic documents frame America's desire for a safe and secure southern border in order to protect American citizens from threats. As standalone documents some of these strategies and plans are stronger than others. All share two significant shortfalls, however. They are not coordinated across department-level government agencies, nor are they nested in a manner that ensures their mutual support for each other. The resources (means) needed to secure America's borders lie within at least five cabinet-level departments and over 13 different component agencies and task forces throughout the U.S. Government.⁵⁹ As a result, the competition for resources between these various government agencies leads each to define the goal (and how to reach it) in accordance with its own priorities. Achieving a balance among these strategies requires rising above the myopic views of border security within each agency of the government. To minimize risk, every agency must agree on an endstate and commit the resources required to reach it. Until this occurs, there will be no comprehensive Southwest border security strategy. The next chapter will examine the impact of this failure through an analysis of the security and enforcement situation along the U.S. southern border.

⁵⁹ Office of National Drug Control Policy, *National Southwest Border Counternarcotics Strategy*, 51-65.

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CHAPTER 4

U.S. SOUTHWEST BORDER SECURITY AND ENFORCEMENT ANALYSIS

This chapter will evaluate the security situation along the southern border of the United States. This evaluation includes a summary of the threat, focusing on the nature and volume of illegal activities. To gauge the success or failure of efforts on the southern border, this chapter will use metrics related to the number of border apprehensions and seizures. Such methodology is typical in police work. Law enforcement agencies traditionally use measurements of their workload activities to indicate their success or failure in curtailing crime and criminal behavior.¹ Analyzing these metrics over time and correlating their rise or fall with changes in the personnel, technology and tactical infrastructure in particular regions reveals the effectiveness of these various aspects of the U.S. border security strategy. Additionally, this chapter will provide an in-depth review of the Secure Border Initiative introduced in chapter 2, a multi-year plan investing in personnel, technology, and border infrastructure including roads, barriers, and fencing.

The Nature of the Threat

Multiple threats create a complex problem for the agencies protecting the southern border. Those individuals illegally entering the United States generally fall into two broad categories: economic migrants and criminal aliens.² On the one hand, economic migrants are those aliens who enter illegally in order to find work in the United States. Criminal aliens, on the other hand, include potential terrorists, northbound drug

¹ CBP, *National Border Patrol Strategy*, 20.

² Depending upon the location, number of entries, and or circumstance of illegal entry, the filing of criminal charges can also apply to economic migrants.

smugglers, southbound smugglers of weapons and money, and dangerous criminals.³

Although many consider economic migrants non-threatening, this group presents four key strategic threats to the homeland.⁴ First, the illegal entry pathways economic migrants create can also serve as corridors for other types of criminal entry, including terrorism. Second, economic migrants create an additional demand for and use of false documentation and identities. This use creates a vulnerability as it gives terrorists the opportunity to access these illegal services that allow them to blend in with the population.⁵ Third, economic migrants rely heavily on criminal alien smuggling networks to facilitate unlawful entry into the United States.⁶ Finally, economic migrants place a heavy strain on the law enforcement resources used to detect, apprehend, and determine the disposition of illegal entrants.⁷ Any time spent countering economic migrants is time not spent on preventing, detecting and apprehending criminal aliens intent on harming the United States.⁸

Criminal illegal alien entry presents three unique threats. The most dangerous of these is terrorist entry and weapons smuggling. The austere terrain between ports of entry favors those who desire to exploit it for criminal activity.⁹ These vast open areas resemble the terrain in many areas of the Middle East where many terrorists train and

³ CBP, *Secure Borders, Safe Travel, Legal Trade, U.S. Customs and Border Protection 2009-2014 Strategic Plan*, 6.

⁴ Allen, *The Closing of the American Border*, 58.

⁵ CBP, *Secure Borders, Safe Travel, Legal Trade, U.S. Customs and Border Protection 2009-2014 Strategic Plan*, 6.

⁶ U.S.-Mexico Border Policy Report, *Effective Border Policy: Security, Responsibility, and Human Rights at the U.S.-Mexico Border*, (Washington, DC: November 2008), 13.

⁷ Theoretically, an economic migrant could also become an unwitting terrorist. For one example, terrorists could infect economic migrants with smallpox prior to their illegal entry. As of today, materialization of this type of event has not occurred.

⁸ Center for American Progress, "Immigration Reform Will Enhance Economic Recovery, December 16, 2009," http://www.americanprogress.org/issues/2009/12/immigration_economy.html (accessed February 20, 2010).

⁹ *A Line in the Sand: Confronting the Threat at the Southwest Border*, 2.

operate. Accordingly, the al Qaeda network may seek to exploit the capabilities of established alien and/or smuggling networks located between the ports of entry along the U.S. Mexico border.¹⁰ The vast volume of cross-border traffic and trade at the ports of entry creates an additional vulnerability criminal migrants can exploit. In fact, the Department of Homeland Security has determined that individuals from 35 different countries bear additional scrutiny as they could present a potential threat to the United States.¹¹ Al Qaeda operatives demonstrated their knowledge of this vulnerability and willingness to exploit it when they used fraudulent means to obtain travel documents to enter the United States and carry out the September 2001 attacks.¹²

Mexican Drug Trafficking Organizations (DTO) are the second major criminal immigration threat. These groups control narcotics smuggling along the southern border of the United States and have recently engaged in a spasm of violence. The U.S. Government considers these DTOs the “greatest organized crime and drug trafficking threat to the United States worldwide.”¹³ Seven organized crime families operate the drug trade in and from Mexico. The Sinaloa Federation is a cocaine smuggling organization headed by the most wanted drug smuggler in Mexico, Joaquin “El Chapo” Guzman. The Gulf Cartel, based in Tamaulipas, is notoriously violent, involved in

¹⁰ U.S. Customs and Border Protection, *Protecting America U.S. Customs and Border Protection 2005-2010 Strategic Plan*, (Washington, DC: U.S. Customs and Border Protection, 2009), 9.

¹¹ Non-U.S. citizens from the following are Aliens from Special Interest Countries (ASIC): Afghanistan, Algeria, Bahrain, Bangladesh, Djibouti, Egypt, Eritrea, Indonesia, Iraq, Iran, Jordan, Kazakhstan, Kuwait, Lebanon, Libya, Malaysia, Mauritania, Morocco, North Korea, Oman, Pakistan, Philippines, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tajikistan, Territories of Gaza and the West Bank, Thailand, Tunisia, Turkey, Turkmenistan, United Arab Emirates, Uzbekistan, and Yemen. U.S. Border Patrol Memorandum, *Arrests of Aliens from Special Interest Countries*, (Washington, DC: U.S. Border Patrol, November 2004).

¹² *9/11 Commission Report*, 384.

¹³ U.S. Department of Justice, “National Drug Threat Assessment 2009,” <http://www.justice.gov/ndic/pubs31/31379/31379p.pdf> (accessed October 29, 2009).

human smuggling, and operates along key transit points bordering Texas. The Los Zetas are a group of former military counternarcotics commandos known for extreme violence. The Beltrán Leyva Organization controls large portions of Mexico and is responsible for several high-level government assassinations in Mexico City. La Familia Michoacana, considered a significant foreign trafficking organization, fights for control of narcotics arriving from Colombia. The Tijuana Cartel conducts extensive violence in the area just south of San Diego, California. Finally, the Juarez Cartel is a dangerous alliance with its headquarters just south of the border near El Paso, Texas.¹⁴ These organized crime syndicates not only control vast areas in Mexico, but also present a threat on the U.S. side of the border.¹⁵ For example, whereas less than a decade ago most U.S. grown marijuana derived from indoor hobbyists, Mexican DTOs are now producing massive amounts of methamphetamine and marijuana on federal lands including Indian Reservations.¹⁶ In addition, evidence reveals that Mexican DTOs are involved in organized criminal activity within the U.S. prison system and with street gangs. The DTOs focus appears to be on human and weapons trafficking, auto theft, and kidnapping inside the United States.¹⁷ Figure 7 shows the cartels' various areas of operation and/or influence.

¹⁴ Beittel, *Mexico's Drug-Related Violence*, 3; Colleen W. Cook, *Mexico's Drug Cartels*, (Washington, DC: Congressional Research Service, 2008) 7.

¹⁵ Cook, *Mexico's Drug Cartels*, 4.

¹⁶ Joel Millman, "Mexican Pot Gangs Infiltrate Indian Reservations in US," *Wall Street Journal*, November 5, 2009.

¹⁷ Cook, *Mexico's Drug Cartels*, 6.

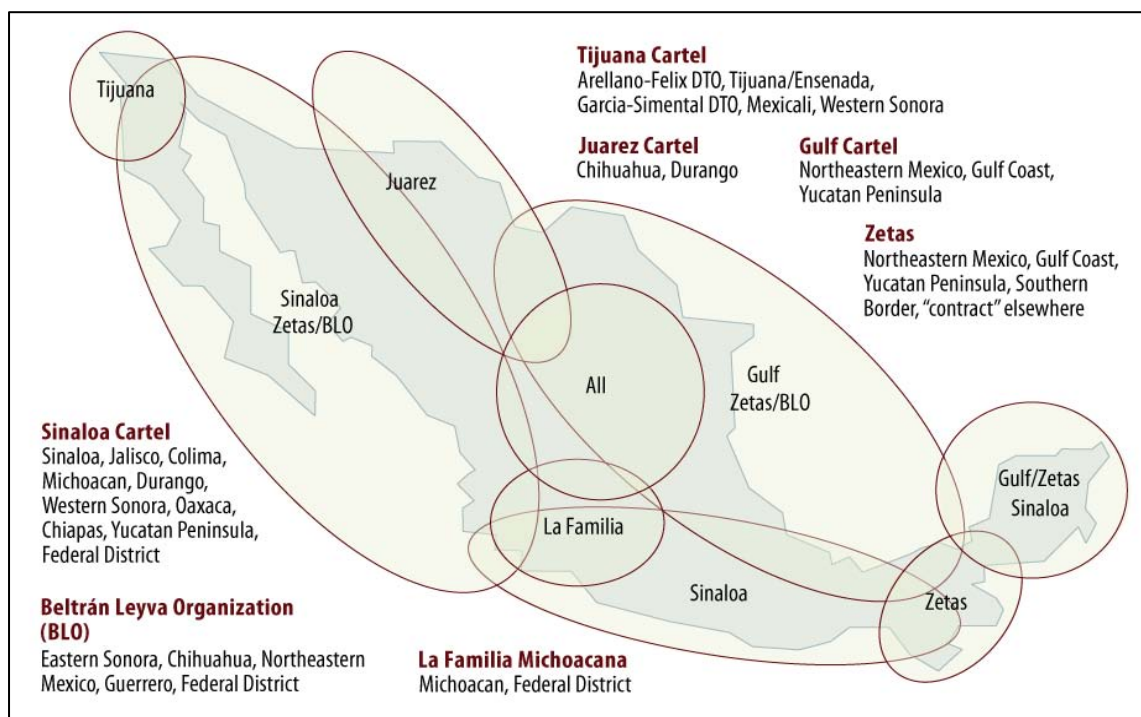


Figure 7. Mexican DTOs and areas of influence.¹⁸

The DTO threat has evolved over time. Recently, the DTOs' focus has shifted from the northbound smuggling of drugs into the U.S. to the southbound smuggling of weapons, ammunition, and money into Mexico. This southbound smuggling provides logistical support critical to the survival and capabilities of the Mexican cartels. In response to recent increases in DTO violence, the U.S. recently shifted its efforts toward stemming the southbound flow of money and weapons from the U.S. into Mexico at the ports of entry.¹⁹ As part of this initiative, DHS temporarily assigned 100 Border Patrol agents to the ports of entry to assist Officers of the Office of Field Operations in conducting southbound inspections. This build-up of southbound enforcement efforts at the ports of entry allowed the OFO Officers to seize more than \$57.9 million in outbound

¹⁸ Ibid.

¹⁹ U.S. Department of Homeland Security, "Southwest Border The Way Ahead, April 15, 2009," http://www.dhs.gov/ynews/releases/pr_1239821496723.shtm (accessed April 24, 2009).

currency and 433 weapons during FY 2009.²⁰ Of course, illegal southbound activity not only takes place at the ports of entry, but also between them. This is a glaring hole in the U.S. strategy that policymakers have yet to address.

The third major criminal migrant threat consists of those aliens who commit major felony crimes (excluding terrorism and drug smuggling) upon entry, exit, or while illegally in the United States. Since these illegal aliens violate U.S. laws in the same manner as citizens of the U.S., they fall into the same criminal category. During FY 2008, the U.S. Border Patrol arrested 723,825 individuals. Of those arrested, 17,168 committed major crimes in the United States. These included 287 individuals arrested for homicide/murder charges, 429 for sexual assault/rape charges, 746 for robbery charges, 115 for kidnapping, and 5,132 for aggravated assault. In addition, U.S. law enforcement has established that there is increasing criminal activity as a result of coordination between Mexican DTOs, human smuggling networks, and U.S. based gangs.²¹ Inside the United States, the cartels use street and prison gang members as their distribution networks, to operate as surrogates, and to work as enforcers.²² While criminal migration is a threat itself, the ease by which these individuals are able to enter undetected also exposes a vulnerability terrorists may be able to exploit.

In response to the nation's strong enforcement posture, criminal migrants will continue to adjust their operations. "Criminal organizations have demonstrated enduring

²⁰ U.S. Customs and Border Protection, *CBP Fiscal Year 2009 in Review*, (Washington, DC: U.S. Customs and Border Protection, November 24, 2009).

²¹ *A Line in the Sand: Confronting the Threat at the Southwest Border*, 4.

²² *Ibid.*

and ever-evolving capabilities to gain access to the United States.”²³ One example of this evolution is the DTOs growing use of makeshift aircraft. During FY 2009, the U.S. detected 118 efforts by DTOs to send people, weapons, and drugs into the country by aircraft.²⁴ The DTO aircraft of choice are single seat ultra lights, which fly above border security infrastructure, but below the 500 ft. altitude required for radar-detection.²⁵

Another example of the ever-evolving threat is the use of underground cross border tunnels. These tunnels provide DTOs and others the capability to smuggle literally anything that will fit through them into the U.S.²⁶ Since 1990, the U.S. and Mexican governments have located 114 cross-border tunnels. DTO use of the tunnels appears to be growing, with 40 of these tunnel discoveries occurring in 2008 and 2009.²⁷ The sophistication of the cross-border tunnels and their use for criminal activity is well-documented. Indeed,

[t]he longest cross border tunnel discovered in United States history ... had ventilation, drainage, and lighting systems, as well as a cement floor and a pulley system. The entrance to the tunnel in Mexico was 85 feet below the surface, and the tunnel crossed the U.S. border at approximately 40-45 feet below the surface, with the entrance on the U.S. side approximately nine feet below the surface. Law enforcement authorities seized over two tons of marijuana in the tunnel, which was attributed to a well-known Mexican drug trafficking organization.²⁸

Other creative attempts to defeat border security infrastructure include the use of

²³ Joint Task Force North, “JTF-N Tunnel Detection Initiatives,” power point presentation, 2009. In possession of the author.

²⁴ Cam Simpson, “Border Arrests Decline Again,” *Wall Street Journal*, November 10, 2009.

²⁵ Ibid.

²⁶ Joint Task Force North, JTF-N Tunnel Detection Initiatives.

²⁷ Ibid.

²⁸ Office of National Drug Control Policy, *National Southwest Border Counternarcotics Strategy*, 45.

makeshift vehicles with attached ramps.²⁹ Those techniques not yet detected pose an even greater concern.

The Volume of the Threat

The volume of illegal activity along the Southwest border differs distinctly between two broad areas of operation -- at the ports of entry and between them. CBP divides the southern border with Mexico into four OFO field offices and nine Border Patrol sectors. A look at the situation in select areas reveals that combined increases in personnel, technology, and tactical infrastructure reveal distinct correlations at the two locations. At the ports of entry, increases in the detection of illegal entry attempts and increases in seizures reflect successful enforcement postures. Between the ports of entry, however, decreased illegal entries along with increased seizure activity indicate success while increased entries suggest an inadequate enforcement posture.

At the ports of entry, the high volume of legitimate travelers and commerce creates a complex enforcement environment where officers must sort out the good from the bad in a very short amount of time. In order to facilitate the continuous flow of people and trade at the ports of entry while at the same time preventing criminal activity, CBP officers must identify criminals and criminal activity in a minute or less during a typical inspection process.³⁰ A look at two representative CBP field offices demonstrates the effect of varying levels of investment in personnel, technology, and infrastructure.³¹

The far western portion of the southern border falls under the direction of the San

²⁹ Associated Press, "Drug Smugglers Are Endlessly Creative Along Border, October 29, 2009," <http://www.nytimes.com/aponline/2009/10/29/us/AP-US-Drug-War-Relentless-Smugglers.html> (accessed October 29, 2009).

³⁰ U.S. House of Representatives, *Cargo Security at Land Ports of Entry: Are We Meeting The Challenge?*, 31.

³¹ Depending upon the location and OFO Field Office, exact numbers of personnel, including increases and decreases, is "law enforcement sensitive" information.

Diego Field Office. This office includes five land border ports of entry located around the metropolitan San Diego, California area. During FY 2009, the officers assigned to these ports of entry processed nearly 1 million commercial trucks, 27 million privately owned vehicles, 14 million pedestrians, and 114,000 commercial buses-- a tremendous volume by any measure.³²

The San Diego Field Office has received personnel increases along with technology and tactical infrastructure (facility) upgrades. CBP Officers in this office increased from approximately 1,500 in FY 2008 to over 1,800 in FY 2009.³³ The technology and facility upgrades included the construction of additional dedicated lanes for pre-approved, low-risk travelers under the Secure Electronic Network for Rapid Inspection (SENTRI) and Free and Secure Trade (FAST) programs. Other improvements included additional deployments of the Radio Frequency Identification (RFID) technology. RFID enables the use of state of the art digitized travel documents.³⁴ As for infrastructure, in FY 2008 the Otay Mesa port of entry reduced waiting times over 30 percent by opening two additional cargo lanes and by expanding participation in the FAST program.³⁵ Finally, San Diego's security enhancements also include additional mobile X-ray units and "cross-trained" canines that can detect both weapons and money.³⁶

³² U.S. Customs and Border Protection, "CBP Announces Fiscal Year 2009 Achievements for Southern California Ports of Entry," http://www.cbp.gov/xp/cgov/newsroom/news_releases/archives/2009_news_releases/nov_09/11252009_2.xml (accessed March 3, 2009).

³³ Ibid.; U.S. Customs and Border Protection, "CBP Announces Fiscal Year 2008 Achievements for Southern California Ports of Entry," http://www.cbp.gov/xp/cgov/newsroom/news_releases/archives/2008_news_releases/2008_fiscal/11052008_7.xml (accessed March 3, 2009).

³⁴ U.S. Customs and Border Protection Press Release, "CBP Modernizing Land Ports of Entry," (Washington, DC: U.S. Customs and Border Protection, June 23, 2008).

³⁵ CBP, "CBP Announces Fiscal Year 2008 Achievements for Southern California Ports of Entry."

³⁶ U.S. Customs and Border Protection, "CBP Modernizing Land Ports of Entry."

As a result of these improvements, the San Diego Field Office saw increases in enforcement metrics from FY 2007 to FY 2009. Marijuana seizures rose from 217,391 pounds in FY 2007 to 277,542 pounds in FY 2009. Undeclared currency seizures in 2009 increased to \$1.46 million—a 108 percent increase over FY 2008.³⁷ As of early March 2010, these officers have already seized \$1.1 million in undeclared currency.³⁸ Clearly, the investments the San Diego Field Office leadership has made in technology and infrastructure are yielding impressive dividends.

El Paso, Texas and the entire State of New Mexico fall under the direction of the El Paso Field Office. This office includes five land border ports of entry located in and around the metropolitan El Paso area. During FY 2009, the officers assigned to these ports of entry processed 707,230 commercial trucks, 13.3 million privately owned vehicles, 34 million passengers and pedestrians, and 23,406 commercial buses.³⁹ The United States busiest land port of entry for pedestrians in FY 2009 was located in El Paso, surpassing the San Ysidro Port of Entry by over 1.5 million pedestrians.⁴⁰

Despite this massive volume of traffic, the El Paso Field Office has been chronically under-resourced.⁴¹ For example, the El Paso Field Office continually experienced a vast number of officer vacancies after FY 2007.⁴² Similarly, only in 2007

³⁷ Ibid.; CBP, “CBP Announces Fiscal Year 2009 Achievements for Southern California Ports of Entry.”

³⁸ U.S. Customs and Border Protection, “CBP San Diego Hits Milestone in Currency Seizures,” http://www.cbp.gov/xp/cgov/newsroom/news_releases/local/02222010_3.xml (accessed March 3, 2010).

³⁹ U.S. Customs and Border Protection Press Release, Major facility improvements and significant enforcement activity highlight recently completed fiscal year for CBP,” (El Paso, Texas: U.S. Customs and Border Protection Press Office, November 24, 2009).

⁴⁰ Guerrero, email to author, November 30, 2009.

⁴¹ U.S. House of Representatives, *Ensuring Homeland Security While Facilitating Legitimate Travel: The Challenge At America’s Ports of Entry*, 110th Congress, 2d. sess., El Paso, Texas, January 3, 2008, 25.

⁴² Ibid., 55. The El Paso Field Office personnel numbers remain classified as “law enforcement sensitive.”

did CBP begin expansion projects at the Paso Del Norte and Ysleta ports of entry.⁴³ The Paso Del Norte project includes 9 additional pedestrian lanes for a total of 14, and 2 additional car lanes creating a total of 11 passenger vehicle lanes. At the Ysleta Port of Entry, CBP increased the number of commercial truck inspection stations from six to eight. Both ports benefited from technology upgrades similar to those described for the San Diego Field Office.⁴⁴

The late arrival of technology and infrastructure improvements at the El Paso Field Office has hampered its performance. Indeed, the El Paso Office saw decreases in all enforcement categories from FY 2008 to FY 2009. El Paso officers seized 162,180 pounds of marijuana in FY 2009, down from 167,570 in FY 2008. Similarly, OFO Officers assigned to El Paso Field Office ports of entry seized only \$1.9 million in undeclared currency in FY 2009, down from \$2.8 million in FY 2008.⁴⁵

The dynamic at the ports of entry—specifically the requirement to facilitate the movement of goods and people across the border—contrasts starkly with the dynamic between the points of entry. Between the ports of entry, *any* entry is illegal. Accordingly, the goal is preventing and detecting *all* entries. To gauge the success of investments in personnel, technology, and infrastructure in this area of operation, the experiences in three representative border sectors is instructive.

The Yuma Border Patrol Sector area of responsibility, once considered completely out of control, now boasts a robust combination of personnel, technology, and

⁴³ U.S. House of Representatives, *Ensuring Homeland Security While Facilitating Legitimate Travel: The Challenge At America's Ports of Entry*, 38.

⁴⁴ U.S. Customs and Border Protection, "CBP Opens New Lanes as Part of Ysleta Port of Entry Commercial Cargo Lot Expansion Project," http://www.cbp.gov/xp/cgov/newsroom/news_releases/archives/2008_news_releases/oct_2008 (accessed February 26, 2010).

⁴⁵ U.S. Customs and Border Protection, "Major facility improvements and significant enforcement activity highlight recently completed fiscal year for CBP."

tactical infrastructure. In 2005, only 350 agents patrolled within this sector, and only a “line in the sand” served as the international boundary along its 126 miles of border. By FY 2009, the sector had 930 agents.⁴⁶ The Yuma Sector also utilizes permanent and mobile surveillance systems as part of their technology package, including 24 permanent video cameras located along the international boundary.⁴⁷ Today, the line in the sand consists of 125.8 miles of improved infrastructure, with primary and secondary fencing as well as vehicle type barriers. This represents an 800 percent increase in infrastructure since FY 2005.

The result of these efforts has been phenomenal. While ports of entry measure success by increases in apprehensions and seizures, between the ports of entry the USBP measures success by *decreases* in illegal alien apprehensions and *increases* in seizure activity. In FY 2005, apprehensions hit an all-time peak at 138,447.⁴⁸ During that same year, over 2,700-vehicle incursions occurred. Conversely, in FY 2009, there were only 6,951 apprehensions and vehicle incursions were rare. This represented a 94 percent decrease in apprehensions since 2005.⁴⁹

The results in the El Paso Sector show a similar trend. This sector encompasses all of the State of New Mexico and the metropolitan area of El Paso directly across the border from Ciudad Juarez in Mexico, a total of 268 miles of international border. Between 2005 and 2009, El Paso Sector personnel nearly doubled, rising from 1,300 to 2,500 agents. During the same period, pedestrian and vehicle fencing nearly doubled as

⁴⁶ James Gilbert, “Media Academy is Firsthand look at BP tools,” <http://www.yumasun.com/news/academy-56346-media-patrol.html> (accessed February 20, 2010).

⁴⁷ Ibid.

⁴⁸ USBP, *Apprehension Data, FY 1999 to FY 2009*.

⁴⁹ Ibid.

well. The results were significant. In FY 2005, agents of the El Paso Sector apprehended 122,679 illegal aliens. During FY 2009, only 14,999 apprehensions occurred!⁵⁰

In stark contrast to the sectors where investments have resulted in positive outcomes, the relative lack of investment in other areas has left these areas vulnerable to the “balloon-effect.” For example, Marfa Sector, covering one fourth of the entire southwest border, received only personnel enhancements, but no technology enhancements and only one tactical infrastructure project throughout this period of augmentation. In FY 2004, only 240 agents patrolled the Marfa Sector. As of the start of FY 2010, this number has increased to over 600, with most of this increase occurring in the last two years.⁵¹ However, in contrast to the Yuma Sector, there are no permanent video cameras located along the international border in the Marfa Sector area of operations. Also along the 510 miles of border, the only tactical infrastructure consists of 5 miles of combined vehicle and pedestrian fencing completed at the end of FY 2009. Furthermore, the Marfa Sector area of operations has over 30 additional vehicle crossing locations lacking any infrastructure at all to prevent both north and southbound illegal cross-border vehicle traffic.⁵²

From FY 2005 to FY 2009 apprehensions made by agents assigned to the Marfa Sector have decreased 40 percent from 10,536 in 2005 to 6,360 in 2009. Furthermore, marijuana seizures have decreased from 69,847 pounds in FY 2005 to 21,668 in FY

⁵⁰ Ibid.

⁵¹ In a telephone conversation with the author on April 2, 2010, CBP Public Affairs Officer William Brooks provided Marfa Sector personnel numbers.

⁵² U.S. Border Patrol, “Marfa Sector” power point presentation, 2009. In possession of the author.

2009, a 69 percent decrease.⁵³ Clearly, using personnel alone to provide the necessary means for the security and neglecting technology and tactical infrastructure gaps results in an inadequate border security posture and perpetuates weakness in the anvil.

In all cases between the ports of entry where combinations of improvements in personnel, technology, and tactical infrastructure have taken place, significant improvements in border security also occurs. Furthermore, failure to provide the proper mix leaves a hole in the anvil on the southern border that ultimately weakens American security. The overall number of Southwest border apprehensions by sector from FY 2005 to FY2009 confirms this trend (Figure 8).

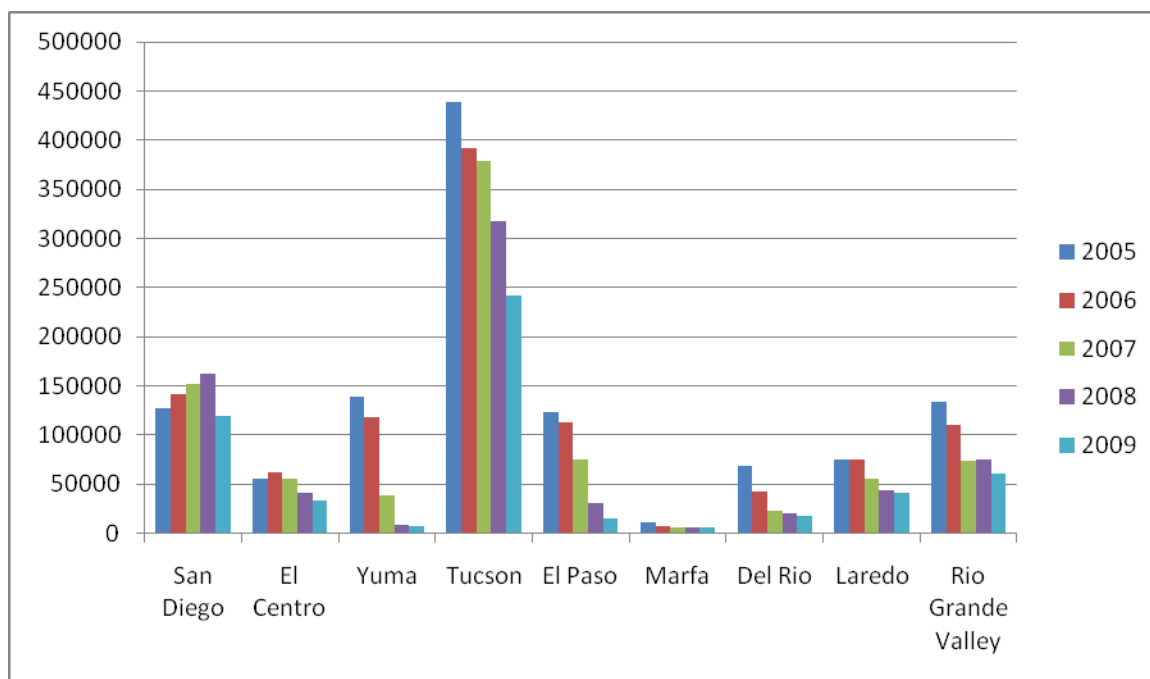


Figure 8. Apprehensions per sector between the ports of entry.⁵⁴

Response to the Threat – The Secure Border Initiative

DHS leadership often likens the Secure Border Initiative (SBI) to a “three-legged

⁵³ USBP, *Apprehension Data, FY 1999 to FY 2009*.

⁵⁴ *Ibid.*

stool.” This analogy reflects the importance of all three pieces of SBI and the idea that each leg of the stool is required to ensure a successful enforcement posture along the Southwest border.⁵⁵ The first of SBI’s three legs is the provision of additional law enforcement personnel for the Border Patrol, at the ports of entry, and for immigration enforcement. For its second leg, SBI incorporates a comprehensive technology upgrade, expanded use of Unmanned Aerial Vehicles and next generation detection technology. The third and final leg of SBI is additional physical security (i.e., roads, lighting, and fencing) to reduce illegal border crossings.⁵⁶ Figure 9 depicts the SBI concept. Unfortunately, after four years in existence, the SBI leadership faces formidable challenges to the future of the initiative. Specifically, increased program costs and the failure of the SBI contractor to provide successful technological solutions have led to an uncertain future for the Secure Border Initiative.⁵⁷

⁵⁵ CBP, “SBI History, Mission, and Program Executive Office, November 10, 2008.”

⁵⁶ DHS, “Secure Border Initiative, July 23, 2009.”

⁵⁷ United States Government Accountability Office, *Secure Border Initiative Technology Deployment Delays Persist and the Impact of Border Fencing Has Not Been Assessed*, (Washington, DC: U.S. Government Accountability Office, September 2009); Mimi Hall, “Feds eye shift from border programs,” *USA Today*, February 4, 2010.

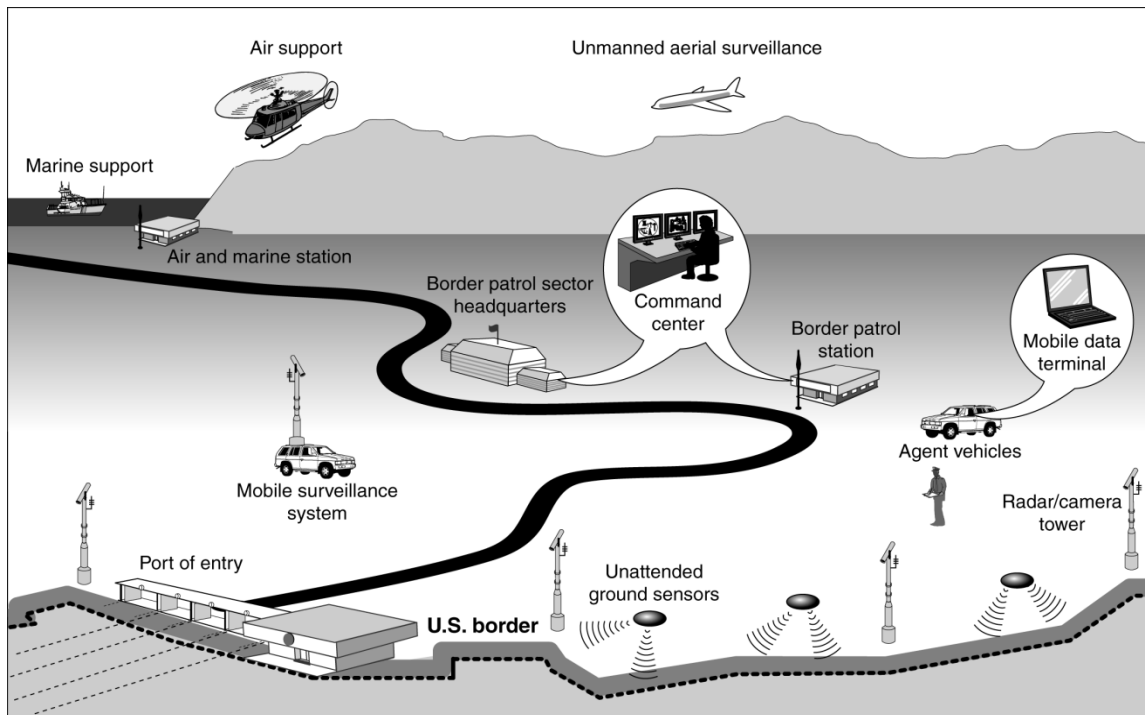


Figure 9. Conceptual depiction of the Secure Border Initiative.⁵⁸

Part of the SBI strategy calls for personnel increases at and between the ports of entry. Both are required. Yet, while the Border Patrol increased personnel 15 percent from FY 2008 to FY 2009, the number of OFO Officers only increased 7 percent over the same period. These increases bring USBP and OFO forces nationwide to just over 20,000 and 21,000, respectively. For comparison, in 2007 the New York City Police Department had 37,038 police officers for the metropolitan area. CBP has today just over 40,000 officers and agents covering the entire nation.⁵⁹

Personnel trends over the longer term have been even more out of balance.

Figure 10 shows that the number of Border Patrol Agents on the southern border has

⁵⁸ United States Government Accountability Office, *U.S. Customs and Border Protection's Secure Border Initiative Fiscal Year 2009 Expenditure Plan*, (Washington, DC: U.S. Government Accountability Office, April 2009), 16.

⁵⁹ New York City Police Department, http://www.nyc.gov/html/nypd/html/faq/faq_police.shtml#1 (accessed January X, 2010).

increased steadily and significantly since the early 1990s, while the number of OFO Officers has increased only slightly.⁶⁰ In 1992, there were 3,555 Border Patrol Agents assigned to the southern border; by 2000, that number had increased 141 percent to 8,580.⁶¹ Since 2000, the number of agents assigned to the southern border has continued to increase, more than doubling to 18,232 agents in FY 2009.⁶² Meanwhile, FY 2010 increases at the ports of entry will amount to less than 300 personnel.⁶³ Finally, the Border Patrol will undergo a modest downsizing between the ports of entry through attrition.⁶⁴ This is significant, as Border Patrol personnel have not seen a decrease in personnel since FY 1992.⁶⁵ Additionally, plans to move several hundred agents to the northern border will constrain FY 2010 OFO manning on the Southwest border even further.⁶⁶

⁶⁰ U.S. House of Representatives, *Cargo Security at Land Ports of Entry: Are We Meeting The Challenge?*, 2.

⁶¹ Blas Nunez-Neto, *Border Security: The Role of the U.S. Border Patrol*, 27.

⁶² Guerrero, email to author, October 2, 2009.

⁶³ H.R. 1655: Putting our Resources Toward Security (PORTS) Act, <http://www.opencongress.org/bill/111-h1655/show> (accessed April 2, 2010); Congressman Reyes introduced this bill to provide 5,000 additional CBP OFO Officers at the ports of entry, a 30 percent increase over the next five years.

⁶⁴ U.S. House of Representatives, *Cargo Security at Land Ports of Entry: Are We Meeting The Challenge?*, 2; DHS, *FY 2008- 2010 Annual Performance Report*, 24, 34; Hall, "Feds eye shift from border programs."

⁶⁵ Blas Nunez-Neto, *Border Security: The Role of the U.S. Border Patrol*, 13.

⁶⁶ U.S. Department of Homeland Security, *FY 2008- 2010 Annual Performance Report* (Washington, DC: U.S. Department of Homeland Security, 2009), 24.

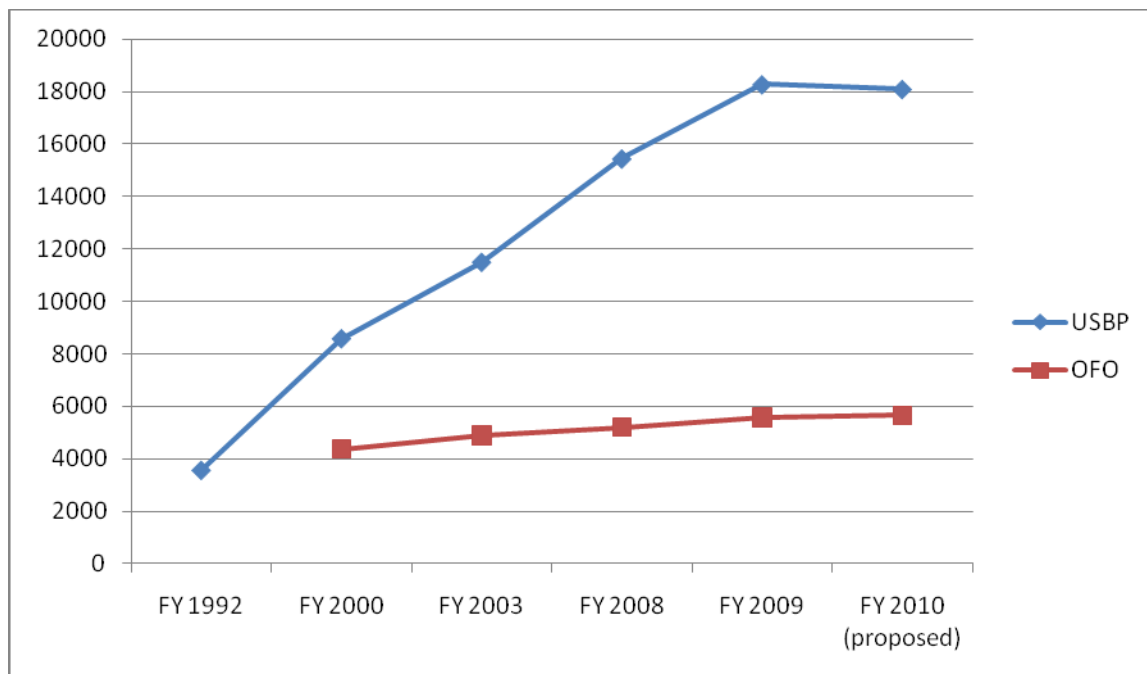


Figure 10. USBP and OFO sworn personnel assigned to Southwest border.⁶⁷

SBI's second goal is to develop and deploy new integrated technology solutions to provide enhanced detection, tracking, and situational awareness capabilities.⁶⁸ The basic concept is to deploy towers along selected locations of the border. These towers house ground surveillance radar as well as day and nighttime cameras. In addition, these towers contain a receiver to obtain signals from strategically placed ground sensors. The information obtained from this network of sensors is supposed to provide a common operating picture for personnel to detect, respond, and interdict border intrusions.⁶⁹

Unfortunately, this “virtual fence” has cost millions of dollars and as of yet produced

⁶⁷ Ibid.; U.S. Border Patrol, *Fiscal Year 2009 State of the Border Patrol Report*, (Washington, DC: U.S. Border Patrol, 2009), 5; CBP, *Commissioner Bonner testifies before the House Select Committee on Homeland Security*; U.S. House of Representatives, *Cargo Security at Land Ports of Entry*, 34; Hall, “Feds eye shift from border programs.”

⁶⁸ U.S. Customs and Border Protection, *Snapshot, A summary of facts and figures*, (Washington, DC: U.S. Customs and Border Protection, March 2009).

⁶⁹ United States House of Representatives, Committee on Homeland Security, Subcommittee on Border, Maritime, and Global Counterterrorism, *The Secure Border Initiative: SBInet Three Years Later*, 111th Congress, 1st Session, September 17, 2009.

only limited results.⁷⁰ Plagued by four years of technical problems, this application of technology between the ports of entry is in jeopardy and under intense scrutiny from Congress and the Department of Homeland Security.⁷¹

The final element of SBI is a tactical infrastructure program. This program consists of physical structures to achieve “persistent impedance.” Accordingly, the SBI Tactical Infrastructure Program develops and installs obstacles designed to slow, delay, or even consistently bar illegal cross-border activity. The primary physical components of these obstacles include pedestrian and vehicle fencing, lighting, and patrol roads.⁷²

Border security fencing, commonly referred to as the “wall,” is a controversial part of the SBI program. Despite this controversy, in certain areas tactical infrastructure has proven itself a necessary and effective component of border security. For example, the border area just south of San Diego was for many years an extremely violent area, overwhelmed on a daily basis by illegal alien traffic crossing from Tijuana, Mexico. In 1993, the U.S. completed construction of a primary fence covering the first 14 miles of the border starting at the Pacific Ocean and heading east.⁷³ Two Border Patrol stations cover this area, the Imperial Beach Station and the Chula Vista Station. From 1993 to 2003, these stations saw continued increases in personnel and technology and continued expansion of tactical infrastructure. Subsequently, these two stations saw their apprehensions decline from 321,560 in FY 1993 to 19,035 in FY 2004 – a reduction of 94

⁷⁰ United States Government Accountability Office, *Secure Border Initiative Technology Deployment Delays Persist and the Impact of Border Fencing Has Not Been Assessed*, 4, 17.

⁷¹ United States House of Representatives, *The Secure Border Initiative*.

⁷² U.S. Customs and Border Protection, “SBI History, Mission, and Program Executive Office,” http://www.cbp.gov/xp/cgov/border_security/sbi/ (accessed February 24, 2010).

⁷³ Blas Nunez-Neto and Michael John Garcia, *Border Security: The San Diego Fence*, (Washington, DC: Congressional Research Service, 2007), 4.

percent over the 12-year period.⁷⁴



Figure 11. U.S. Mexico border South of San Diego, California.⁷⁵

Figure 11 shows conditions before and after construction of the primary fence. The picture on the left is from before the construction and completion of the primary fence. The picture on the right shows the situation today. Multiple layers of fencing, lighting, and patrol roads clearly contributed to success on this area of the border. The reasons fencing worked in this instance is that it funneled illegal activity away from urban areas to places where law enforcement was better able to take action. Furthermore, this fencing provides increased security at the ports of entry and in urban environments. Currently, 472 miles of primary fencing exist along the Southwest border. This

⁷⁴ Ibid.

⁷⁵ U.S. Border Patrol, "Operational Requirements Based Budget Planning Process," power point presentation, 2004. In possession of the author. The picture on the left depicts aliens having already entered the U.S. Illegally. A daily occurrence, these illegal aliens staged in this area until nightfall at which time they would enter the metropolitan area of San Diego, California in massive groups creating enforcement havoc as agents were not able to deter or apprehend the large groups of illegal aliens prior to fence construction.

represents approximately 23 percent of the total border length.⁷⁶

Two additional types of tactical infrastructure are vehicle fencing and permanent lighting. In certain areas, the international boundary does not present a natural barrier to vehicular crossing. Thus, the installation of permanent barriers to stop illegal vehicle intrusions is required. Although not all of these vulnerable areas contain vehicle barriers, they do exist along 443.3 miles (approximately 22 percent of the total mileage of the southern border).⁷⁷ As for permanent lighting, CBP utilizes this infrastructure primarily in urban areas, and it currently exists along 70 miles of the 2,000-mile Southwest border.

Because recent investments in the overall enforcement posture along the southern border have resulted in a decline in apprehensions taken as a whole, some in the public and policy realms have recently claimed that the U.S. Government attained operational control of southern border security in 2009.⁷⁸ The analysis in this chapter, however, reveals that the U.S. continues to address the Southwest border through a piecemeal rather than comprehensive approach. Significant personnel enhancements and tactical infrastructure have occurred at certain locations between the ports of entry, leaving others wide open. Unfortunately, the lack of similar staffing increases at the ports of entry and a

⁷⁶ U.S. Customs and Border Protection, “Securing America’s Border, Fiscal Year 2009 in Review”.

⁷⁷ USBP, *Fiscal Year 2009 State of the Border Patrol Report*, 4. Of note, since pedestrian and vehicle fencing can reside in the same area, you cannot add the two percentages together to imply that 45% of the southern border is covered.

⁷⁸ David Morgan, “U.S. meets immigration reform benchmarks: Napolitano, November 13, 2009,” <http://www.reuters.com/article/idUSTRE5AC4IB20091113> (accessed November 23, 2009). The mileage reported to the Office of Management and Budget in the Annual Performance and Accountability Report serves as a performance measure used to track and report gains in securing the border per mile between the ports of entry. Each mile receives an annual formal evaluation of the ability of the USBP in that particular mile where there is a “reasonable assurance” of the ability to deter, detect, apprehend, and bring to the appropriate resolution border penetrations along the southwest border. Currently for FY 2009, 815 miles of the 2,000-mile southern border are under operational control. For FY 2010 however, the DHS FY 2008 – 2010 Annual Performance Report states the miles of operational control are to remain constant for FY 2010 without a further gain in miles of operational control. See U.S. Department of Homeland Security, *FY 2008-2010 Annual Performance Report*, 24.

host of technology failures at both locations are examples of the discontinuities in the current U.S. Strategy. These shortfalls highlight the need for a comprehensive approach to border security. If the U.S. fails to make the appropriate investments across the entirety of the Southwest border, the flow of illegal activity will strike against the weakest point of the anvil with continued success. The next chapter will evaluate the final element of current U.S. border security strategy, building capacity to deal with the threat on the Mexican side of the border.

CHAPTER 5

MEXICO'S BORDER SECURITY AND ENFORCEMENT ANALYSIS

Since 2006, Mexico has suffered thousands of drug-related killings resulting in a dramatic public security crisis. Discriminate and indiscriminate killings are causing severe psychological and social trauma and show no signs of slowing down. Locked in a life and death struggle with drug trafficking organizations, the Government of Mexico faces tremendous challenges. This unprecedented violence presents not only significant strategic problems for the security of Mexico, but also for the security of the United States. This chapter will evaluate the situation, focusing on the magnitude of violence in Ciudad Juarez, Chihuahua, Mexico. It also looks at Government of Mexico issues with corruption, assaults against military and law enforcement officers, and the U.S. footprint in Mexico.

Mexican Drug Cartels dominate the wholesale illicit drug market in the United States, yet they are struggling with each other for control of the drug corridors into the United States.¹ Once tolerated by the Mexican government, these cartels now have unleashed unprecedented violence in response to a government crackdown that jeopardizes their multi-billion dollar drug trade. Since 2008, Mexican DTO killings have included high-level assassinations of law enforcement and government officials, gruesome crimes such as torture, beheadings, kidnappings, the use of military-grade weapons, and the random killing of civilians.² As figure 12 demonstrates, Mexican drug-related violence has skyrocketed since 2007, resulting in over 18,000 deaths in the past

¹ Hal Brands, *Mexico's Narco-Insurgency and U.S. Counterdrug Policy*, (Carlisle, PA: Strategic Studies Institute U.S. Army War College, 2009), 33.

² Beittel, *Mexico's Drug-Related Violence*, 10; Jose De Cordoba, "Arrest Roils Drug Cartel," *Wall Street Journal*, January 4, 2009.

four years.³ Furthermore, the State of Chihuahua, located along the U.S.-Mexico border, accounted for more than 30 percent of the overall drug-related homicides during 2009, with most of these murders taking place in Ciudad Juarez.⁴

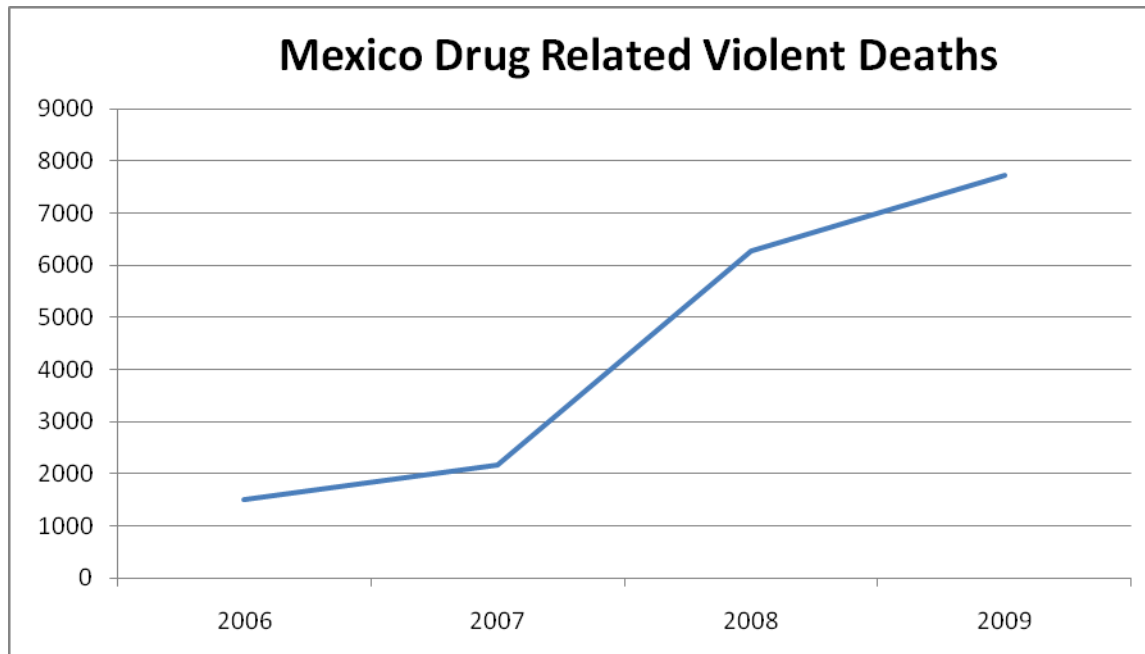


Figure 12. Mexico Drug Related Violent Deaths.⁵

Ciudad Juarez, Chihuahua, Mexico

Located just south of El Paso, Texas, and in the middle of the southern border, Ciudad Juarez is now the “murder capital of the world.”⁶ By the end of 2009, Ciudad Juarez was experiencing 165 violent deaths per 100,000 residents (See figure 13). This does not compare favorably, even with other acknowledged violence-prone cities. For example, contemporary Baghdad, Iraq, had only 48 violent deaths per 100,000 residents

³ Beittel, *Mexico's Drug-Related Violence*, 10.; De Cordoba, “Arrest Roils Drug Cartel.”

⁴ David A. Shirk, *Drug Violence in Mexico, Data and Analysis 2001-2009* (San Diego; University of San Diego Trans Border Institute, Joan B Kroc School of Peace Studies, 2010), 7.

⁵ Beittel, *Mexico's Drug-Related Violence*, 10; De Cordoba, “Arrest Roils Drug Cartel.”

⁶ Jose De Cordoba and Joel Millman, “Mexico Ramps Up Drug War with a Surge on Rio Grande,” *Wall Street Journal*, December 22, 2009; Foreign Military Studies Office, “*Latin America Military and Security Watch*, (Fort Leavenworth, KS: Foreign Military Studies Office, January 12, 2010).

in 2009.⁷ In Juarez, a city of approximately 1.6 million residents, there have been over 4,000 drug related murders in the last three years.⁸ On the most violent day since President Felipe Calderón took office, 69 murders occurred, 26 of them were in Ciudad Juarez.⁹

The victims of this violence included U.S. citizens. Indeed, murderers claimed the lives of 30 American citizens in Juarez during 2009.¹⁰ Additionally, the University Medical Center in El Paso reported treating 83 individuals shot and wounded in Mexico in 2009.¹¹ Of these 83 patients, 63 were U.S. citizens.¹² Furthermore, since 2008 up to 200,000 residents have fled Ciudad Juarez, with at least 30,000 going to El Paso.¹³ As a result, this surge in violence has gained the attention of both Congress and the White House. U.S. Government concerns center on spillover violence, the security of the border, and reducing illegal trafficking in both directions.¹⁴

⁷ Jose De Cordoba and Joel Millman, "Mexico Ramps Up Drug War with a Surge on Rio Grande."

⁸ News Channel 9 El Paso, "2009 Means New Record Death Toll," <http://www.ktsm.com/news/2009-means-new-record-death-toll> (accessed February 21, 2010); Guerrero, email to author, January 5, 2010.

⁹ ABC News International, "Mexico Opens 2010 With One of Its Deadliest Days," <http://abcnews.go.com/International/wireStory?id=9536339> (accessed February 21, 2010).

¹⁰ Lise Olsen, "chron.com, January 11, 2010," <http://www.chron.com/disp/story.mpl/metropolitan/6810308.html> (accessed January 12, 2010).

¹¹ Daniel Borunda, "University Medical Center treated more Juarez wounded in '09, January 14, 2010," http://www.elpasotimes.com/news/ci_141857620 (accessed January 15, 2010).

¹² Ibid.

¹³ Julian Cardona, "Mexicans flee drug war city in fear of killings, February 18, 2010," <http://www.reuters.com/article/idUSN1819528920100218> (accessed February 18, 2010).

¹⁴ The White House, "Administration Officials Announce the U.S. – Mexico Border Security Policy: A Comprehensive Response & Commitment," Press Release, Office of the Press Secretary, March 24, 2009. In contrast to the murder rate in Juarez, the city of El Paso experienced only four homicides in the first six months of 2009. See Federal Bureau of Investigation, "FBI Offenses Reported to Law Enforcement 2009," http://www.fbi.gov/ucr/2009prelimsem/table_4ok-wi.html (accessed January 12, 2010).

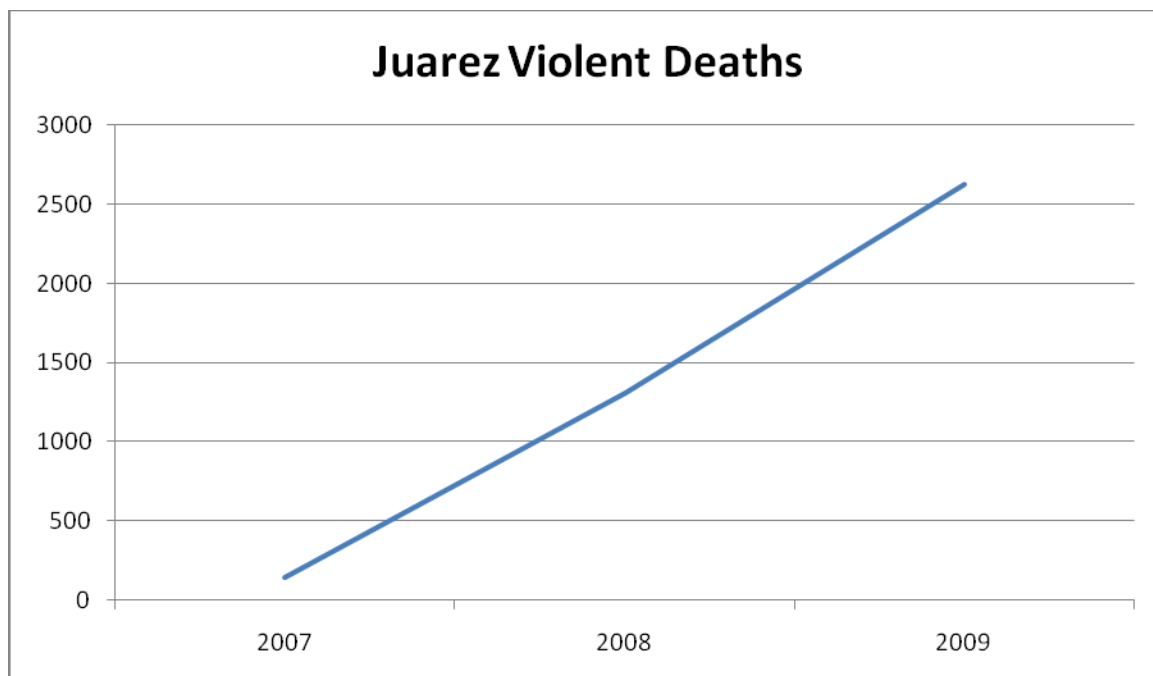


Figure 13. Ciudad Juarez Mexico Drug Related Violent Deaths.¹⁵

Mexican Security Initiatives

President Felipe Calderón and the Government of Mexico have undertaken to fight the drug cartels by sending thousands of troops to their northern border, cracking down on corruption, arresting and/or killing drug lords, and agreeing to unprecedented cooperation with the United States.¹⁶ Mexico's short-term goal of stopping the drug cartel violence parallels its long-term objectives of judiciary and security reform.¹⁷ As of 2008, the Government of Mexico had deployed more than 45,000 military troops and employed forces from seven Government agencies, spending more than \$2.5 billion in 2007 (an increase of 24 percent from 2006) to improve security and reduce drug-related

¹⁵ News Channel 9 El Paso, "2009 Means New Record Death Toll," and Guerrero, email to author, January 5, 2010.

¹⁶ Beittel, *Mexico's Drug-Related Violence*, Summary.

¹⁷ International Narcotics Control Board, "Report of the International Narcotics Control Board for 2009," <http://www.incb.org/incb/annual-reprot-2008.html>, 63.

violence.¹⁸ In 2007 and 2008, as a result of Mexican federal intervention in states where the government had previously allowed drug traffickers to operate relatively undisturbed the number of homicide victims (including top-level federal police officers) more than doubled compared to previous years.¹⁹

Unprecedented U.S.-Mexico cooperation began over two years ago with the Mérida Initiative. The Mexican Government requested U.S. assistance in stopping the flow of weapons into Mexico from the U.S. -- what many have called the “iron river.” Besides this focus on southbound enforcement, the U.S. agreed to provide monetary and material support to Mexico, to share intelligence, and to assist with education efforts aimed at countering organized criminal activity.²⁰

A Failed State?

The growing crisis in Mexico not only presents serious challenges for the Government of Mexico, but it also gives the U.S. an unstable neighbor.²¹ In the global context, the consequences for the U.S. of rapid and sudden collapse of Mexico would rival a similar failure in Pakistan.²² In looking at Mexico, the

[p]otential failure is important for three reasons. First, Mexico is a huge country, with a population of more than 100 million. Second, it has a large economy – the 14th largest in the world. And third, it shares an extended border with the world’s only global power, one that has assumed for most of the 20th century that its domination of North America and control of its borders is a foregone conclusion. If Mexico fails, there are serious geopolitical repercussions. This is not simply a criminal matter.²³

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Chapter 3 provides a breakdown of the current funding status in Table 1.

²¹ Terry Moran, “Mexican President Vows to Win Drug War, April 15, 2009.”

²² U.S. Joint Forces Command, *The JOE, 2008 Joint Operating Environment Challenges and Implications for the Future Joint Force*, (Suffolk: United States Joint Forces Command Center for Joint Futures, 2008), 36.

²³ George Friedman, “Mexico: On the Road to a Failed State?” *Stratfor*, May 13, 2008.

The drug violence translates to not only human losses, but also economic losses for the Mexican government. Travel and tourism, two significant elements of the Mexican economy, have been especially hard hit. Despite the violence, President Calderón has refused to back down, insisting that “Mexico is not a failed state” and that his administration is working to improve the quality of life of the people of Mexico.²⁴

Instability in Mexico is a homeland security threat to the U.S. According to one U.S. military report, “the growing assault by the drug cartels on the Mexican government reminds one that an unstable Mexico could represent a homeland security problem of immense proportions to the United States.”²⁵ The report concludes that

[o]ne must also note the growing convergence of terrorist organizations with criminal cartels like the drug trade to finance their activities. Such cooperative activities will only make terrorism and criminal cartels more dangerous and effective. Furthermore, the market for advanced weaponry potentially empowers any small actor or group, as long as they have cash. Whether a small oil-rich nation or a drug cartel, cash will be able to purchase lethal capabilities.²⁶

This threat is real as Mexican DTOs foster a culture of government corruption that allows for the smuggling of illicit goods of all types cross the U.S. border.²⁷

Face the Bribe or the Bullet, “Plata o Plomo”

The extent of drug-related corruption across the Mexican government—especially in local police forces—“far exceeds even pessimistic expectations.”²⁸ Accordingly, the Calderón administration faces formidable obstacles to ending Mexico’s fragmented sovereignty and regaining public confidence. The latest index reporting on perceptions

²⁴ Terry Moran, “Mexican President Vows to Win Drug War, April 15, 2009.”

²⁵ U.S. Joint Forces Command, *The JOE*, 34.

²⁶ *Ibid.*, 37, 47.

²⁷ Beittel, *Mexico’s Drug-Related Violence*, 8.

²⁸ Patrick M. Cronin, *America’s Security Role in a Changing World*, (Washington, DC: National Defense University Press, 2009), 351.

of corruption ranked Mexico 89th out of 180 countries.²⁹ As just one example of the level of corruption facing Mexico, in 2008 the leaking of confidential information to the Beltran Leyva Cartel resulted in the charging of several top federal law enforcement officials, including the former Mexican government anti-drug czar, Noe Ramirez.³⁰ Furthermore, in the first two years of President Calderón's administration, corruption led to the sanctioning of 11,500 government employees.³¹ Because of state and local police corruption, the Calderón Administration has had to rely on the military for domestic security, and this will likely continue until at least 2013.³²

Assaults Against Mexican Military/Law Enforcement

The number of deaths and executions against Mexican military and law enforcement officers is staggering. DTOs continue to respond to government pressure with brutal attacks against Mexican security forces. For example, in July 2009 La Familia Michocana attacked eight different Mexican police stations and a police bus, ultimately killing 14 officers in only two days. The same group attacked five prosecutors' offices and two additional police stations in Guanajuato State in November of that same year.³³ On December 16, 2009, the severed heads of six state police investigators ended up on a public plaza in the northern state of Durango.³⁴ At the end of 2009, DTO assassins burst into the home of the Mexican Special Forces Officer

²⁹ Foreign Military Studies Office, *Latin America Military and Security Watch*, (Fort Leavenworth, KS: Foreign Military Studies Office, November 17, 2009).

³⁰ Associated Press, "Mexican raid kills cartel 'Boss of Bosses,' December 17, 2009," http://www.msnbc.msn.com/id/34457826/ns/world_news-americas/print/1/displaymode/1 (accessed December 17, 2009).

³¹ Beittel, *Mexico's Drug-Related Violence*, 9.

³² Ibid., 14.

³³ Chris Hawley, "Drug cartels threaten Mexican stability," *USA Today*, February 10, 2010.

³⁴ Associated Press, "Mexican raid kills cartel 'Boss of Bosses,' December 17, 2009," http://www.msnbc.msn.com/id/34457826/ns/world_news-americas/print/1/displaymode/1 (accessed December 17, 2009).

Melquisedet Angulo, a national hero who perished in a battle that killed drug lord Arturo Beltran Leyva.³⁵ The assassins killed Angulo's mother, aunt, sister and brother.³⁶ In 2008, nearly 10 percent of murders involved law enforcement or military personnel killed in the line of duty.³⁷ Similarly in 2009, drug cartel violence killed at least 35 soldiers and approximately 500 police officers.³⁸

The U.S. Footprint in Mexico

Key difficulties exist with U.S. law enforcement and military support inside the country of Mexico. Historically, Mexico has been reluctant to allow U.S. agents or troops on their soil due to animosities dating back to the 1846-48 Mexican-American War.³⁹ Mexico's reluctance to allow the establishment of a stronger U.S. security presence in its territory limits the scope of U.S. efforts.

Mexican military forces focus not only on defense and internal security matters, but deploy for domestic law enforcement.⁴⁰ Although U.S. Armed Forces do not perform domestic law enforcement,

[t]here is no doubt that U.S. operational experience in Iraq and Afghanistan, to say nothing of Colombia and the Philippines would have great utility for Mexican military planners as they develop doctrine to confront the DTOs and other armed criminal elements. Learning from that operational experience, however, is both a policy and a political decision for Mexico. Although some limited sharing of U.S. experience is taking place through consultations as well as individual training and education opportunities in the United States, much more effective results would be obtained through collective unit training and operational activities in Mexico. Again, this is highly unlikely to occur for domestic political

³⁵ David Lunhow, "Hit Men Kill Mexican Hero's Family," *Wall Street Journal*, December 23, 2009.

³⁶ Ibid.

³⁷ U.S. Department of Justice, Statement of David Ogden, Deputy Attorney General, before the United States Committee on Homeland Security and Governmental Affairs, *Southern Border Violence: Homeland Security Threats, Vulnerabilities and Responsibilities*, Washington, DC: March 25, 2009, 5.

³⁸ David A. Shirk, *Drug Violence in Mexico, Data and Analysis 2001-2009*, 11.

³⁹ Chris Hawley, "U.S. training bolsters Mexico's war on drugs," *USA Today*, October 29, 2009.

⁴⁰ As required by the Mexican Constitution of 1917, article 89, section VI.

reasons on both sides of the border, but more so on the Mexican side.⁴¹

Mexico's ongoing battle with the DTOs would benefit from the U.S. operational experience obtained in the Middle East. Ultimately, Mexican forces likely would find knowledge of these U.S. operations useful when confronting the DTOs.⁴² Although U.S. military involvement has been limited, since July 2009, 81 U.S. law enforcement officers have travelled to Mexico City to teach basic police skills to Mexican officers.⁴³ Mexico's willingness to learn from the U.S. law enforcement is a small step in the right direction. In the meantime, the Mérida Initiative has at least opened the door for more robust U.S.–Mexico military relations.⁴⁴

Although it is too early to assess the full impact of the Mérida Initiative, this U.S. effort to assist Mexico appears to be meeting with some success.⁴⁵ Since 2007, Mexican Armed Forces have arrested 8,392 individuals, 172 of those being hit men or drug cartel “bosses.” In addition, the forces rescued 501 people from kidnapping and seized over \$52 million in U.S. dollars and \$7 million (U.S.) worth of Mexican pesos.⁴⁶ Mexico has also seized 24,197 weapons, including 5 rocket launchers, 1 anti aircraft gun, 271 grenades, and over 2,900 assault rifles.⁴⁷ Finally, President Calderón has made combating the DTOs a top priority as further evidenced by the recent high profile operations that resulted in the killing of Arturo Beltran Leyva and the arrest of Teodoro Garcia Siemental. Siemental, also known as “El Teo,” a former Tijuana Cartel lieutenant

⁴¹ Craig A. Deare, “U.S.-Mexico Defense Relations: An Incompatible Interface,” (Washington DC: National Defense University Press Strategic Forum, July 2009).

⁴² *Ibid.*, 6.

⁴³ Chris Hawley, “U.S. training bolsters Mexico's war on drugs.”

⁴⁴ Clare Rebando Seelke, *Mérida Initiative for Mexico and Central America: Funding and Policy Issues*, (Washington, DC: Congressional Research Service, 2010), 19.

⁴⁵ David A. Shirk, *Drug Violence in Mexico, Data and Analysis 2001-2009*, 11.

⁴⁶ Guerrero, email to author, January 6, 2010.

⁴⁷ Hawley, “Drug cartels threaten Mexican stability,” and Guerrero, email to author, January 6, 2010.

wanted for dissolving more than 300 people in acid, had formed his own drug-smuggling organization based in Tijuana.⁴⁸ The results resemble those garnered through Plan Colombia, where the U.S. assisted with major security achievements by partnering with the Colombian government. The effects of cooperation and assistance were the successful attacking and dismantling of Colombia's worst criminal organizations.⁴⁹

The initial positive impacts of the Mérida Initiative have earned it a place as part of a comprehensive U.S. border security strategy. Importantly, however, the Mérida Initiative cannot stand on its own. In many ways, Mexican success in using its military and law enforcement “hammer” against DTOs depends on having a strong “anvil” on its border with the U.S. Indeed, if the U.S. did not provide this backstop, DTOs could easily evade Mexican authorities by crossing the U.S. border whenever under threat.

Conversely, if the U.S. did nothing to help Mexican authorities increase their capacity to strike at the DTOs, the USG could expect to have to increase the resources it allocates to the border continuously. Eventually, the resources required to secure the border would reach an unsustainable level. Thus, in the end, the USG needs a comprehensive strategy consisting both of a “hammer,” representing ever-increasing Mexican capacity south of the border, and an “anvil,” comprised of U.S. efforts at and between the ports of entry.

Only with both can the U.S. succeed in securing the Southwest border.

⁴⁸ Clare Rebando Seelke, *Mérida Initiative for Mexico and Central America: Funding and Policy Issues*, 1; AolNews, “Mexican Drug Kingpin “El Teo” Arrested in Baja,” <http://www.aolnews.com/world/article/mexican-drug-kingpin-teodoro-el-teo-garcia-simental-arrested-in-baja/19314303> (accessed March 3, 2010).

⁴⁹ United States Government Accountability Office, *Plan Colombia, Drug Reduction Goals Were Not Fully Met, but Security Has Improved; U.S. Agencies Need More Detailed Plans for Reducing Assistance*, (Washington, DC: U.S. Government Accountability Office, 2008), Summary.

CHAPTER 6

CONCLUSION

Control of the Southwest border is a complex strategic problem for the United States. Although U.S. strategies outline America's desire for a safe and secure southern border, government efforts are not coordinated. Since the 1990s, U.S. investments between the ports of entry have resulted in significant increases in personnel, technology and tactical infrastructure. Unfortunately, these investments have been uneven across Border Patrol sectors. Similarly, a fragmented approach to investment has occurred at the ports of entry. These inconsistent efforts allow illegal activity to migrate to the vulnerable areas. Additionally, the U.S. has only recently started to invest in building Mexican Government capacity to fight illegal activities on the South side of the border. Unfortunately, the U.S. has also not synchronized all aspects of the Mérida Initiative -- the third element of Southwest border strategy. Indeed, the resources needed to secure the border fall within at least five cabinet-level departments and over 13 different component agencies and task forces throughout the U.S. Government.⁵⁰ As a result of the government's failure to develop a comprehensive border control strategy, the United States risks increasing the danger of threats manifesting on its southern border at the weak points.

The southern border threat consists of two basic yet complex categories of individuals, economic migrants and criminal aliens.⁵¹ Economic migrants are those aliens who enter illegally for work in the United States. Criminal aliens include potential

⁵⁰ United States Government Accountability Office, *Status of Funds for the Mérida Initiative*, 51-65.

⁵¹ Depending upon the location, number of entries, and or circumstance of illegal entry, the filing of criminal charges can also apply to economic migrants.

terrorists, northbound drug smugglers, southbound smugglers of weapons and money, and other dangerous criminals including the Mexican Drug Trafficking Organizations.⁵² Both categories feed off each other and create compounding sets of problems. Since the early 1990s, the United States Government has achieved remarkable success against both categories of individuals. At the ports of entry, officers must quickly identify bad actors embedded within the large volume of legitimate travel and trade. Between the ports of entry, it is illegal to enter the United States and agents strive to prevent and detect all entries. In both of these areas, the ultimate goal is to achieve the best mix of personnel, technology, and tactical infrastructure (including facilities, fencing, lighting, and roads) to achieve a secure southern border.

The longer-term solution to southern border security lies south of the border. Here, the strategy for attacking Drug Trafficking Organizations should continue to focus on the Mérida Initiative, an historic partnership between the U.S. and Mexico. This initiative recognizes that both nations share responsibility for each other's security and for curtailing the drug trade and its resultant violence. Although internal security and corruption concerns continue to plague the Mexican Government, with U.S. assistance under the Mérida Initiative the Mexican Government has taken an aggressive approach to dismantling organized criminal activity and establishing rule of law.

Given these successes, a comprehensive U.S. strategy should consist of three elements—how to deal with threats at the ports of entry, between the ports of entry, and at their source in Mexico. Right now, each of these three elements has its own strategy

⁵² CBP, *Secure Borders, Safe Travel, Legal Trade, U.S. Customs and Border Protection 2009-2014 Strategic Plan*, 6.

and application of these strategies has been uneven. Furthermore, as chapter 3 showed, there is a lack of coordination between the agencies responsible for each area.

Additionally, as resources become constrained the tendency is for the government to focus its efforts on only one or two areas while neglecting the others. Unfortunately, each agency proponent has a slightly different assessment of the ultimate objective, risk, and threat. The United States Government must balance these organizational perspectives and overcome these narrow-minded views on border security. Until there is a comprehensive Southwest border security strategy, the safety of America is at risk.

To remedy this situation, the Homeland Security Council should re-write the *National Strategy for Homeland Security* emphasizing all three elements of a comprehensive strategy. This new strategy should institutionalize three key items. First, now is a critical time to finalize investments in technology and infrastructure on the U.S. side of the border. The goal should not be to wall the U.S. off from Mexico completely, but instead to capitalize on and continue the success of targeted infrastructure programs. Second, the strategy should address the chronic under-resourcing of personnel, infrastructure, and technology *at* the ports of entry. Third, the strategy should reaffirm America's commitment to helping Mexico improve its internal security situation by obligating and expending currently authorized funds at a faster rate. As Mexico's security strengthens, America's security also strengthens. The alternative to the comprehensive approach is continued piecemealing of strategy. If the U.S. chooses that route, the results will be disastrous. The threat on the southern border is highly adaptive and the various threat elements will quickly adjust their tactics to exploit any area where the U.S. Government fails to apply appropriate resources.

Success requires all three elements of the comprehensive strategy—at the ports of entry, between them, and in Mexico through the Mérida Initiative. None can succeed in securing the border on its own. U.S. border security at and between the ports of entry provides the anvil—a blocking mechanism to keep bad things and bad people out of America. Meanwhile, south of the border, Mexico needs to wield a hammer of ever-increasing size. The U.S. Government must not only obligate Mérida Initiative funds at a faster rate, but must also extend appropriations beyond the scheduled end of FY 2010. As Mexican capacity grows through the Mérida Initiative, it will be able to use this hammer to greater and greater effect against the drug cartels and other criminal elements. Ultimately, the effectiveness of this hammer depends on having a solid anvil against which to strike. Now is the time for the U.S. Government to acknowledge this by issuing and funding a new comprehensive border security strategy.

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VITA

Assistant Chief Patrol Agent Dan Harris, Jr. graduated from the U.S. Border Patrol Academy in 1995 and received his first duty assignment to El Paso, Texas. From there he received promotions to senior and supervisory agent positions at the Lordsburg, New Mexico Station and then to Assistant Chief at U.S. Border Patrol Headquarters in Washington, DC. Upon leaving headquarters, he served as the Patrol Agent in Charge of the Marfa, Texas Station. In 2007, Agent Harris was promoted to his current position at the Marfa Sector Headquarters. On August 1, 2010, Agent Harris will be promoted to Deputy Chief Patrol Agent of the Grand Forks Sector in Grand Forks, North Dakota.

Agent Harris has served in numerous leadership roles including service as a key strategic planner for the Border Patrol since 2004. He has also been instrumental in the development of the Border Patrol's Critical Incident Response Programs. In 2007, he received the Border Patrol's highest award for valor and courage, the Newton-Azrak Award, awarded for actions taken during hostile fire at a domestic disturbance call.

He holds a Bachelor of Arts in Psychology from Angelo State University in San Angelo, Texas. He also holds recognition as Distinguished Alumni from the South Plains College in Levelland, Texas. Agent Harris, a sixth generation law enforcement officer, is the 14th officer in his family. Prior to joining the Border Patrol, he served as a San Angelo Police Officer and Law Enforcement Instructor at the South Plains College Criminal Justice Education Center.

Assistant Chief Harris has been married to the same woman for 20 years.

and they have three children, Dan III, Hunter and Emma.

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